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## Teachers reporting child sexual abuse: Towards evidence-based reform of law, policy and practice

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Associate Professor Ben Mathews • Dr Kerryann Walsh • Professor Des Butler • Professor Ann Farrell

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# ***Teachers reporting child sexual abuse: Towards evidence-based reform of law, policy and practice***

Dr Ben Mathews, Dr Kerryann Walsh, Professor Des Butler and Professor Ann Farrell

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## **Research team contact details**

Dr Ben Mathews, LLB (JCU); BA (Hons), PhD (QUT); Associate Professor, School of Law, Queensland University of Technology.

Ph 07 3138 2983

Em [b.mathews@qut.edu.au](mailto:b.mathews@qut.edu.au)

Dr Kerryann Walsh, B Ed St (UQ), PhD (QUT); Senior Lecturer, School of Early Childhood, Queensland University of Technology.

Ph 07 3138 3174

Em [k.walsh@qut.edu.au](mailto:k.walsh@qut.edu.au)

Prof Des Butler, LLB (Hons) (QIT); PhD (QUT); Professor, School of Law, Queensland University of Technology.

Ph 07 3138 1104

Em [d.butler@qut.edu.au](mailto:d.butler@qut.edu.au)

Prof Ann Farrell, PhD, Head, School of Early Childhood, Queensland University of Technology.

Ph 07 3138 3603

Em [a.farrell@qut.edu.au](mailto:a.farrell@qut.edu.au)

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# EXECUTIVE SUMMARY

This report presents the results of the largest study ever conducted into the law, policy and practice of primary school teachers' reporting of child sexual abuse in New South Wales, Queensland and Western Australia. The study included the largest Australian survey of teachers about reporting sexual abuse, in both government and non-government schools (n=470).

Our research has produced evidence-based findings to enhance law, policy and practice about teachers' reporting of child sexual abuse. The major benefits of our findings and recommendations are to:

- Show how the legislation in each State can be improved;
- Show how the policies in government and non-government school sectors can be improved; and
- Show how teacher training can be improved.

These improvements can enhance the already valuable contribution that teachers are making to identify cases of child sexual abuse.

Based on the findings of our research, this report proposes solutions to issues in **seven key areas** of law, policy and practice. These solutions are relevant for State Parliaments, government and non-government educational authorities, and child protection departments. The solutions in each State are practicable, low-cost, and align with current government policy approaches. Implementing these solutions will:

- protect more children from sexual abuse;
- save cost to governments and society;
- develop a professional teacher workforce better equipped for their child protection role; and
- protect government and school authorities from legal liability.

The seven key areas, and the essence of our findings, are:

## **1. Nature of State legislative duties to report child sexual abuse**

In each State there are elements of the legislation which require amendment to improve legal and practical soundness. These amendments are easily achievable and are cost-neutral. This is especially important for Queensland, where amendments are most necessary.

## **2. Nature of sector policy-based duties to report child sexual abuse**

In each sector in each State there are elements of the policy-based duty which require amendment to improve practical workability and soundness. These amendments are easily achievable and are low cost.

## **3. Government data about teachers' actual past reporting of child sexual abuse**

Teachers are making an enormously valuable contribution to child protection, detecting hundreds of cases of child sexual abuse every year. However, there are features of teachers' reporting practices that can be enhanced within each State, both to reduce failure to report child sexual abuse, and to avoid the making of reports that are not necessary. Three key features are:

- a small but significant proportion of teachers have never reported when suspecting abuse;
- in New South Wales, the evidence indicates there may be a degree of overreporting; and
- in Western Australia, the evidence indicates there may be a degree of failure to report.

## **4. Teachers' training about reporting duties**

Teachers in each sector in each State require more and better training, both preservice and inservice. Teachers with higher levels of training are more knowledgeable about their duty to report sexual abuse and are better equipped to discharge the reporting duty. We suggest ways in which teachers can be trained more effectively, including in preservice teacher education and ensuring that, at inservice levels,

teachers are correctly informed of the protections and supports available to them in their role as reporters.

#### **5. Teachers' knowledge of the legislative duty to report child sexual abuse**

Teachers in Queensland and New South Wales are not as knowledgeable as they need to be about their legislative reporting duty as a whole, and about its key features. Because better knowledge about the duty leads to better reporting practices, this urgently needs to be remedied.

- This finding is especially relevant for teachers in Queensland (both government and non-government sectors), but also applies to teachers in the New South Wales non-government sector.
- Teachers in Western Australia, who from 1 January 2009 are required by legislation to report suspected child sexual abuse (but who at the time of this study were not), need to receive appropriate training to develop knowledge of the key features of their legislative duty.

#### **6. Teachers' knowledge of the policy-based duty to report child sexual abuse**

Teachers are not as knowledgeable as they need to be about their policy-based reporting duty as a whole, and about its key features. Because better knowledge about the duty leads to better reporting practices, this needs to be remedied urgently. This finding applies across all sectors, and is of particular significance for teachers in Western Australian non-government schools.

#### **7. Teachers' attitudes to reporting**

Teachers with more specific training about child sexual abuse and the reporting of it have more positive attitudes towards reporting child sexual abuse. In particular, teachers with both preservice and inservice training have stronger positive attitudes than those with neither, or with only one type of training. Because teachers with better attitudes towards reporting are more effective reporters, training needs to address key factors including teachers' confidence in the child protection system, and an understanding that they cannot be legally liable for reporting child sexual abuse.



## RECOMMENDATIONS BY STATE AND SECTOR

*Note: most recommendations apply to both sectors. Where necessary, the recommendations refer to particular sectors. Page references provide directions to relevant parts of the Report, for each sector.*

### NEW SOUTH WALES

#### THE LEGISLATION-BASED REPORTING DUTY

***Whether reporting duty is limited to cases where a certain level of harm is suspected***

***NSW Recommendation 1 (p 45)***

The NSW legislative provisions for reporting of suspected sexual abuse should not be made subject to a requirement of 'significant harm' to activate the reporting duty.

#### THE POLICY-BASED REPORTING DUTIES

***Presence or absence of a policy***

***NSW Recommendation 2 (p 52)***

Any non-government school group not yet having a policy should immediately develop one. In general, such a policy may be quite sound even if it does little more than reproduce the State's legislative approach.

***Whether reporting duty is limited to cases where a certain level of harm is suspected***

***NSW Recommendation 3 (p 53)***

Policies in both New South Wales sectors should be amended to require the teacher to report all suspected sexual abuse, without limiting the reporting requirement to cases of suspected 'significant' harm to the child or cases where the teacher is 'concerned for the child's welfare'.

***To whom should the teacher report; and if to the Principal, what is the Principal's obligation?***

***NSW Recommendation 4 (p 55; see also p 56-57)***

***Primary preferred approach***

Policy should require teachers to notify the principal of their intention to make a report, but the teacher should then report directly to the relevant Department.

***Secondary preferred approach (currently adopted in NSWGS)***

If policy requires the teacher to make the report to the Principal, then the Principal should be required to forward the report to the relevant government authority, and should not have discretionary power to choose whether or not to forward the report.

## TEACHER TRAINING

### TYPE AND REGENCY OF TRAINING

#### ***NSW Recommendation 5 (p 72)***

Over half the teachers had not received any preservice training, but almost two thirds had received inservice training about child sexual abuse, indicators of it, and reporting processes. About two fifths had received inservice training in the last 12 months. Since teachers with both preservice and inservice training have higher knowledge of legislation and policy, better attitudes towards reporting, and are more confident at detecting indicators of child sexual abuse, efforts should be made to increase the exposure of as many teachers as possible to preservice training and inservice training.

### REPORTING PRACTICE

#### ***NSW Recommendation 6 (p 74)***

Responses to questions about past actual reporting history showed that a very small proportion of teachers had never reported when suspecting abuse, and a higher proportion had sometimes but not always reported when suspecting. Training should emphasise that once a teacher has developed a reasonable suspicion of sexual abuse, a report should be made, and that reporting is not only required when a teacher is certain that a child has suffered abuse.

### KNOWLEDGE OF LEGISLATIVE REPORTING DUTY

#### ***Awareness/familiarity generally***

#### ***NSW Recommendation 7 (p 74)***

NSWNGS teachers had high awareness of the legislative duty and high familiarity with it to answer questions about it. Nevertheless, one quarter of NSWNGS respondents were not sufficiently familiar with the legislative duty to answer questions about it. Training should ensure that all NSWNGS teachers are aware of the key features of the legislative duty.

#### ***Detail of training about legislative reporting duty***

#### ***NSW Recommendation 8 (p 75)***

Training needs to maintain a focus on key features of the legislative duty. As well as maintaining focus on the key features, particular attention might be placed on making teachers aware of the appropriate report destination, and the features of identity protection and protection from liability.

### KNOWLEDGE OF POLICY-BASED REPORTING DUTY

#### ***Awareness/familiarity generally***

#### ***NSW Recommendation 9 (p 76)***

Significant proportions of teachers were not sufficiently familiar with the legislation to answer questions about it. Training should ensure that all NSWNGS teachers are aware of the key features of the policy duty.

***Detail of training about policy-based reporting duty***

***NSW Recommendation 10 (p 76)***

Training needs to maintain a focus on key features of the policy-based duty. A greater focus might profitably be placed in NSW on the application of the duty to suspected past abuse and risk of future abuse.

**ATTITUDES**

***NSW Recommendation 11 (p 78)***

Teachers' attitudes towards reporting were consistently good, but teachers with both preservice and inservice training had more positive attitudes. This is a sound basis on which to build further training efforts. Attitudes may be monitored periodically to determine whether any changes are occurring which might affect reporting practices.

# QUEENSLAND

## THE LEGISLATION-BASED REPORTING DUTY

### *Current limit on reporting duty by identity of suspected perpetrator*

#### **QLD Recommendation 1 (p 46)**

The Queensland legislation should be amended to require teachers to report suspected child sexual abuse, without limiting the duty to report only to cases where the suspected perpetrator is a school staff member, or to cases of past abuse only. This can easily be achieved by omitting the clause referring to that class of person.

### *Current limit on reporting duty applying only to suspected past and presently occurring cases*

#### **QLD Recommendation 2 (p 46)**

The Queensland legislation should be amended to also require reports of suspected risk of sexual abuse that has not yet occurred.

## THE POLICY-BASED REPORTING DUTIES

### *Presence or absence of policy*

#### **QLD Recommendation 3 (p 52)**

Any non-government school group not yet having a policy should immediately develop one. Such a policy could be modelled on the NSWGS version.

### *Whether reporting duty is limited to cases where a certain level of harm is suspected*

#### **QLD Recommendation 4 (p 53)**

Policies in both Queensland sectors should be amended to require the teacher to report all suspected sexual abuse, without limiting the reporting requirement to cases of suspected 'significant' harm to the child or cases where the teacher is 'concerned for the child's welfare'.

### *To whom should the teacher report; and if to the Principal, what is the Principal's obligation?*

#### **QLD Recommendation 5 (p 55; see also p 56-57)**

##### **Primary preferred approach**

Policy should require teachers to notify the principal of their intention to make a report, but the teacher should then report directly to the relevant Department.

##### **Secondary preferred approach**

If policy requires the teacher to make the report to the Principal, then the Principal should be required to forward the report to the relevant government authority, and should not have discretionary power to choose whether or not to forward the report.

### ***Protection of the teacher's identity from disclosure***

#### ***QLD Recommendation 6 (p 57)***

Policies in the Western Australian government sector and both Queensland sectors should expressly inform teachers that the identity of any teacher who makes a report is protected from disclosure, both under legislation and policy.

## **TEACHER TRAINING**

### **TYPE AND REGENCY OF TRAINING**

#### ***QLD Recommendation 7 (QGS p 81; QNGS p 91)***

Few teachers had received sufficient preservice training, and while a majority had received inservice training, few of these had received it recently. Since teachers with both preservice and inservice training have higher knowledge of legislation and policy, better attitudes towards reporting, and are more confident at detecting indicators of child sexual abuse, efforts should be made to increase the exposure of as many teachers as possible to preservice training and inservice training.

### **REPORTING PRACTICE**

#### ***QLD Recommendation 8 (QGS p 83; QNGS p 93)***

Responses to questions about past actual reporting history showed that a very small proportion of teachers had never reported when suspecting abuse, and a higher proportion had sometimes but not always reported when suspecting. Training should emphasise that once a teacher has developed a reasonable suspicion of sexual abuse, a report should be made, and that reporting is not only required when a teacher is certain that a child has suffered abuse.

### **KNOWLEDGE OF LEGISLATIVE REPORTING DUTY**

#### ***Awareness/familiarity generally***

#### ***QLD Recommendation 9 (QGS p 83; QNGS p 93)***

Significant proportions (more than half) of teachers lacked sufficiently familiarity with the legislation to answer questions about it. Training should ensure that all QGS and QNGS teachers are aware of the key features of the legislative duty.

#### ***Detail of training about legislative reporting duty***

#### ***QLD Recommendation 10 (QGS p 84; QNGS p 94)***

Training needs to maintain a focus on key features of the legislative duty. A greater focus might profitably be placed in QGS and QNGS on the features regarding identity protection and protection from liability, and writing requirements.

## KNOWLEDGE OF POLICY-BASED REPORTING DUTY

### *Awareness/familiarity generally*

#### **QLD Recommendation 11 (QGS p 85; QNGS p 95)**

Significant proportions (more than half) of teachers were not aware of the policy, or were aware of it but lacked sufficiently familiarity with the policy to answer questions about it. Training should ensure that all QGS and QNGS teachers are aware of the key features of the policy-based reporting duty.

### *Detail of training about policy-based reporting duty*

#### **QLD Recommendation 12 (QGS p 86; QNGS p 96)**

Training needs to maintain a focus on key features of the policy-based duty. A greater focus might profitably be placed in QGS and QNGS on the duty to report suspected risk of future abuse, as well as suspected past abuse.

## ATTITUDES

#### **QLD Recommendation 13 (QGS p 88; QNGS p 98)**

Teachers' attitudes towards reporting were consistently good, but teachers with both preservice and inservice training had more positive attitudes. This is a sound basis on which to build further training efforts. Attitudes may be monitored periodically to determine whether any changes are occurring which might affect reporting practices.

# WESTERN AUSTRALIA

## THE LEGISLATION-BASED REPORTING DUTY

### *State of mind required to activate the duty to report*

#### **WA Recommendation 1 (p 47)**

In teacher training about how to comply with the reporting duty, teachers should be made aware that once they have reasonable grounds to believe that a child may have been sexually abused, that this is sufficient to require them to make a report. They do not need to 'believe' that the child has been abused in the sense that they are certain about it, or even believe that it is more likely than not that the child has been abused. While 'belief' in legal terms means slightly more than 'suspicion', it is still equivalent to something akin to a suspicion, based on reasonable grounds.

Alternatively, and in addition to this, the Western Australian legislation should be amended to use the term 'suspicion' rather than 'belief'. This would also harmonise the Western Australian legislation with that in other jurisdictions.

### *Application of reporting duty not only to suspected past and presently occurring cases, but also to suspected risk of future abuse*

#### **WA Recommendation 2 (p 48)**

The Western Australian legislation should be amended to also require reports of suspected risk of sexual abuse that has not yet occurred.

## THE POLICY-BASED REPORTING DUTIES

### *Presence or absence of policy*

#### **Recommendation 3 (p 52)**

Any non-government school group not yet having a policy should immediately develop one. Such a policy could be modelled on the NSWGS version.

### *State of mind required to activate the duty to report*

#### **WA Recommendation 4 (p 53)**

Western Australian policy in each sector should replace the term 'a concern' (WAGS) and 'a concern or reasonable suspicion' (WANGS), with 'belief on reasonable grounds' to harmonise the state of mind required across policy and legislation. Alternatively, WA legislation and policy should be amended to use the term 'reasonable suspicion' in all three documents.

***Whether reporting duty is limited to cases where a certain level of harm is suspected***

***WA Recommendation 5 (p 53)***

Policy in the WA Government sector should be amended to require the teacher to report all suspected sexual abuse, without limiting the reporting requirement to cases of suspected 'significant' harm to the child or cases where the teacher is 'concerned for the child's welfare'.

***Application of reporting duty not only to suspected past and presently occurring cases, but also to suspected risk of future abuse***

***WA Recommendation 6 (p 54)***

Policies in Western Australia, in both government and non-government sectors, should be amended to also require reports of suspected child sexual abuse that has not happened yet, where there are reasonable grounds to suspect that it is likely to happen.

***To whom should the teacher report; and if to the Principal, what is the Principal's obligation?***

***WA Recommendation 7 (p 55; see also p 56-57)***

***Primary preferred approach***

Policy should require teachers to notify the principal of their intention to make a report, but the teacher should then report directly to the relevant Department.

***Secondary preferred approach***

If policy requires the teacher to make the report to the Principal, then the Principal should be required to forward the report to the relevant government authority, and should not have discretionary power to choose whether or not to forward the report.

***Protection of the teacher's identity from disclosure***

***WA Recommendation 8 (p 57)***

Policies in the Western Australian government sector and both Queensland sectors should expressly inform teachers that the identity of any teacher who makes a report is protected from disclosure, both under legislation and policy.

## **TEACHER TRAINING**

### **TYPE AND REGENCY OF TRAINING**

***WA Recommendation 9 (WAGS p 101; WANGS p 110)***

Few teachers had received sufficient preservice training, and while more had received inservice training, there were still insufficient levels of inservice training (especially in WANGS), and it had not been experienced with sufficient frequency. Since teachers with both preservice and inservice training have higher knowledge of legislation and policy, better attitudes towards reporting, and are more confident at detecting indicators of child sexual abuse, efforts should be made to increase the exposure of as many teachers as possible to preservice training and inservice training.



## REPORTING PRACTICE

### ***WA Recommendation 10 (WAGS p 103; WANGS p 110)***

Responses to questions about past actual reporting history showed that a small proportion of teachers had never reported when suspecting abuse, and a higher proportion had sometimes but not always reported when suspecting. Training should emphasise that once a teacher has developed a reasonable suspicion of sexual abuse, a report should be made, and that reporting is not only required when a teacher is certain that a child has suffered abuse.

## KNOWLEDGE OF POLICY-BASED REPORTING DUTY

### ***Awareness/familiarity generally***

#### ***WA Recommendation 11 (WAGS p 104; WANGS p 112)***

Significant proportions (more than half) of teachers were not aware of the policy, or were aware of it but lacked sufficiently familiarity with the policy to answer questions about it (levels were particularly low in WANGS). Training should ensure that all WAGS and WANGS teachers are aware of the key features of the policy-based reporting duty.

### ***Detail of training about policy-based reporting duty***

#### ***WA Recommendation 12 (WAGS p 104; WANGS p 113)***

Training needs to maintain a focus on key features of the policy-based duty. A greater focus should be placed on ensuring general awareness-raising of the policy and its key features.

## ATTITUDES

### ***WA Recommendation 13 (WAGS p 107; WANGS p 116)***

Teachers' attitudes towards reporting were consistently good, but teachers with both preservice and inservice training had more positive attitudes. This is a sound basis on which to build further training efforts. Attitudes may be monitored periodically to determine whether any changes are occurring which might affect reporting practices.

## PUBLICATIONS ARISING FROM THE STUDY

Publications and conference presentations were produced throughout the project, both to test our research methods, analyses and findings, and to disseminate research findings. At the time of producing this report, several further scholarly articles have been submitted for publication and are under review, or are in progress.

### Scholarly refereed journal articles and book chapters

2010

K Walsh and B Mathews, 'Maltreated children in the early years: International perspectives on the teacher's role', in V Green & S Cherrington (Eds), *Delving into diversity: An international exploration of diversity issues in education*, Hauppauge, NY: Nova Science Publishers, 2010, 195-207.

K Walsh, M Rassafiani, B Mathews, A Farrell & D Butler, 'Teachers' attitudes toward reporting child sexual abuse: Problems with existing research leading to new scale development' (in press, accepted 17 October 2009) *Journal of Child Sexual Abuse*

2009

B Mathews, K Walsh, M Rassafiani, D Butler & A Farrell, 'Teachers reporting suspected child sexual abuse: results of a three-State study' (2009) 32(3) *University of New South Wales Law Journal* 772-813.

D Butler, B Mathews, A Farrell & K Walsh, 'Teachers' duties to report suspected child abuse and tortious liability' (2009) 17 *Torts Law Journal* 1-23.

B Mathews, H Payne, C Bonnet and D Chadwick, 'A Way To Restore British Paediatricians' Engagement With Child Protection' (2009) 94(5) *Archives of Disease in Childhood* 329-332.

2008

D Butler and B Mathews, 'Education' in G Monahan and L Young (Eds) *Children and the Law in Australia*, 2008, LexisNexis, Sydney, 302-328.

B Mathews, J Cronan, K Walsh, D Butler & A Farrell, 'Teachers' Policy-Based Duties To Report Child Sexual Abuse: A Comparative Study' (2008) 13(2) *Australia & New Zealand Journal of Law & Education* 23-37.

B Mathews & D Bross, 'Mandated reporting is still a policy with reason: empirical evidence and philosophical grounds' (2008) 32(5) *Child Abuse & Neglect* 511-516.

B Mathews and M Kenny, 'Mandatory reporting legislation in the USA, Canada and Australia: a cross-jurisdictional review of key features, differences and issues' (2008) 13 *Child Maltreatment* 50-63.

## **2007**

B Mathews, D Butler, K Walsh & A Farrell, 'School Bullying And New South Wales Teachers' Duties To Report Child Abuse Under Mandatory Reporting Legislation: A Reply To Healey', (2007) 12(2) *Australia & New Zealand Journal of Law & Education* 43-55.

## **2006**

B Mathews, K Walsh, D Butler & A Farrell, 'Mandatory Reporting By Australian Teachers of Suspected Child Abuse and Neglect: Legislative Requirements and Questions for Future Direction' (2006) 11(2) *Australia & New Zealand Journal of Law & Education* 7-22.

## **Conference presentations**

### **2010**

K Walsh, B Mathews, A Farrell, D Butler, M Rassafiani and S Kilby, 'What influences professionals' reporting of child sexual abuse? Perspectives from a study of Australian teachers', International Society for the Prevention of Child Abuse and Neglect Conference, Hawaii, September.

B Mathews, 'Identifying child sexual abuse within school contexts: policy problems and solutions, and a landmark case', International Society for the Prevention of Child Abuse and Neglect Conference, Hawaii, September.

### **2009**

K Walsh, D Butler, A Farrell, B Mathews, M Rassafiani & L Chirio, L, 'Teachers reporting child sexual abuse: an Australian multi-state comparative study', Protect All Children Today Conference, Brisbane, 26 March.

B Mathews, Expert Panelist: Mandatory reporting of child abuse and neglect, Protect All Children Today Conference, Brisbane, 25 March.

### **2008**

K Walsh, B Mathews, A Farrell & D Butler, 'A Multi-State Cross-Disciplinary Comparative Study of Teachers', Reporting of Child Sexual Abuse in Australia', International Society for the Prevention of Child Abuse and Neglect Conference, Hong Kong, September.

K Walsh, M Rassafiani, B Mathews, D Butler & A Farrell, 'Development and Initial Validation of a Scale to Measure Teachers' Attitudes Towards Child Sexual Abuse', International Society for the Prevention of Child Abuse and Neglect Conference, Hong Kong, September.

B Mathews & M Kenny, 'An Analysis of Mandatory Reporting Legislation in the USA, Canada and Australia: Features, Differences and Issues for Legislators', International Society for the Prevention of Child Abuse and Neglect Conference, Hong Kong, September.

## **2006**

B Mathews & K Walsh, 'Australian teachers and the law of mandatory reporting of child sexual abuse: developments and problems', International Family Violence and Child Victimization Conference, Portsmouth: New Hampshire, July.

K Walsh, B Mathews, A Farrell & D Butler, 'Researching the effectiveness of mandatory reporting models for teachers reporting child sexual abuse: A cross-disciplinary study', International Society for the Prevention of Child Abuse and Neglect Conference, York, September.

B Mathews, K Walsh, A Farrell & D Butler, 'Mandatory reporting of child abuse and neglect: legislative developments and questions for future direction', Protecting Children Today Conference, Brisbane, September.

# GLOSSARY

## ACRONYMS

**NSWGS** - New South Wales Government Schools

**NSWNGS** - New South Wales Non-Government Schools

**QGS** - Queensland Government Schools

**QNGS** - Queensland Non-Government Schools

**WAGS** - Western Australia Government Schools

**WANGS** - Western Australia Non-Government Schools

## KEY TERMS

**Child** - someone aged under 18.

**Child sexual abuse** – embraces any situation where a child is used for sexual gratification, or is exploited sexually for gain. It includes but is not limited to incidents of physical contact with the child, and includes but is not limited to events involving penetration. It includes non-contact events, such as exhibitionism, exposure of the child to sexual activity or material, or the making of images of the child by means such as photography or other recording. It generally involves an adult perpetrator, but may involve a perpetrator who is not an adult where irrespective of age there is an imbalance of power in the relationship, due to but not limited to age, or physical, psychological or intellectual superiority.

**Effective reporting behaviour** - present when a teacher makes a report of suspected child sexual abuse when having a suspicion based on reasonable grounds that a child has been sexually abused, is being sexually abused, or is at risk of sexual abuse. Reporting behaviour can be effective even if the report turns out to be unsubstantiated or dealt with by means other than being investigated and substantiated.

**Ineffective reporting behaviour** - present in any of three circumstances:

(a) where a teacher fails to make a report due to failure to develop a suspicion that a child has been sexually abused, is being sexually abused, or is at risk of sexual abuse, in a situation where a reasonably knowledgeable teacher would develop that suspicion ('underreporting' by failure to report);

(b) where a teacher fails to make a report despite having a suspicion based on reasonable grounds that a child has been sexually abused, is being sexually abused, or is at risk of sexual abuse ('underreporting' by failure to report); or

(c) where a teacher makes a report despite not having a suspicion based on reasonable grounds that a child has been sexually abused, is being sexually abused, or is at risk of sexual abuse ('overreporting' by reporting a case which does not warrant a report).

**Legislation** - statutes enacted by Parliament. Among other things, statutes may impose legally enforceable requirements, and confer legally enforceable protections and rights, on individuals and institutions.

**Policy** - an industry-based document establishing the conduct required of members in a particular set of circumstances.

**Report** - a notification (or report) made by a teacher or other person of suspected child sexual abuse, submitted to a formal authority (usually the government department of child safety, but sometimes police, and sometimes a school principal).

**Substantiated** - a finding by a government agency that there is sufficient evidence to show that a child the subject of a report of suspected sexual abuse has been abused, is being abused, or is at risk of abuse, for the purposes of the State's child protection legislation.

**Unsubstantiated** - a finding by a government agency that there is not sufficient evidence to show that a child the subject of a report of suspected sexual abuse has been abused, is being abused, or is at risk of abuse, for the purposes of the State's child protection legislation.

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## PART A: CONTEXT

### A 1 Rationale for the study

Over 3000 cases of child sexual abuse are identified by government child protection agencies every year in Australia. The real incidence is significantly higher, because many cases are undisclosed. As well as being a criminal offence, child sexual abuse causes many costs to the individual victim, and to society. As a strategy to identify cases of child sexual abuse, Australian States and Territories have enacted legislation requiring members of selected professions to report situations where they suspect a child has been, is being, or is at risk of being, sexually abused. This strategy aims to overcome the inherent secrecy and nondisclosure which typically characterises child sexual abuse.

The teaching profession is one of these selected groups. Teachers have frequent contact and close relationships with children, and possess expertise in monitoring changes in children's behaviour. Accordingly, teachers are seen as being well-placed to detect and report suspected child sexual abuse. The teaching profession is one which, like others whose members are frequently involved with children, has developed policy-based obligations to report suspected cases of child sexual abuse. Like the duties created in legislation, these duties require members to report suspected child sexual abuse, but the source of the obligation in industry policy demonstrates that it is seen as a professional and ethical duty of a member of that profession to report such cases.

These legislative and industry-based policy developments have occurred in a context of growing awareness of the incidence and consequences of child sexual abuse. Related to this, school authorities have recognised the potential for schools to be legally liable for an employee's failure to report suspected child sexual abuse when a teacher knew or ought to have known a child in her or his care was being abused.

#### *Different legislative and policy-based reporting duties*

Yet, because each State and Territory has legislative power regarding child protection, and since a united effort to develop a consistent approach has not emerged, these legislative developments have occurred at different times, beginning in the late 1970s and continuing to 2009. Even more significantly, the legislative duties differ between States. As well, the policy-based duties also differ because they are developed by the respective school authorities, such as government school authorities (government sector), and Catholic Archdioceses (non-government sector). Thus, across States, the legislative and policy-based duties are likely to differ; and even within any given State, policy-based duties may differ between schools.

#### *Little research into operation of reporting duties or teacher reporting behaviour*

Despite the social and legal significance of these reporting duties, there has been little empirical research into their context and operation, including the factors which tend to produce 'effective' reporting behaviour, and 'ineffective' reporting behaviour. For the purposes of this report, **'effective reporting behaviour'** can be defined as occurring when a teacher does in fact make a report of suspected child sexual abuse when having a suspicion based on reasonable grounds that a child has been sexually abused, is being sexually abused, or is at risk of being sexually abused. Reporting behaviour can be effective even if the report turns out to be unsubstantiated or dealt with by means other than being investigated and substantiated. **'Ineffective reporting behaviour'** can be defined as occurring in any of three circumstances:

- (a) where a teacher **fails** to make a report due to failure to develop a suspicion that a child has been sexually abused, is being sexually abused, or is at risk of sexual abuse, in a situation where a reasonably knowledgeable teacher would develop that suspicion ('underreporting' by failure to report);
- (b) where a teacher **fails** to make a report despite having a suspicion based on reasonable grounds that a child has been sexually abused, is being sexually abused, or is at risk of sexual abuse ('underreporting' by failure to report);

(c) where a teacher **makes** a report despite not having a suspicion based on reasonable grounds that a child has been sexually abused, is being sexually abused, or is at risk of sexual abuse ('overreporting' by reporting a case which does not warrant a report);

Children, parents, the community and governments have clear and strong interests in maximising effective reporting behaviour to increase the disclosure of cases of child sexual abuse which otherwise may not be disclosed. They also have an interest in minimising ineffective reporting behaviour to avoid wasting government resources on investigating needless reports, and to avoid the possibility of causing distress to persons upon whom suspicion of child sexual abuse may unfairly fall.

### ***Gaps in evidence***

Thus, within this broad context of legal and policy difference between States and between government and non-government school sectors, and the imperatives to encourage effective reporting behaviour and minimise ineffective reporting behaviour, we identified the following critical gaps in evidence:

- (1) while the basic nature of the different State legislation was known, the legislation had not been analysed to explore technical legal questions regarding schools' liability in this context;
- (2) the content of different school authority policies had not been extensively investigated, compared, or analysed for legal and practical soundness;
- (3) the extent of teachers' awareness of their duties to report child sexual abuse, based in legislation, policy, or both, was unknown;
- (4) teachers' attitudes towards the reporting duty had not been thoroughly explored;
- (5) there was little evidence about teachers' actual past reporting practice (including the extent to which teachers fail to report their suspicions, and report when unwarranted);
- (6) there was little evidence about the factors influencing teachers' reporting practice;
- (7) there was little evidence about teachers' anticipated future reporting practice, or of the factors influencing tendency to report (both effectively, and ineffectively);
- (8) it was not known whether different legislative and policy-based reporting duties affected reporting practice, and if so, how. At the time of this study:
  - New South Wales had broad legislative and policy-based reporting duties.
  - Queensland had a very narrow legislative reporting duty, but had broad policy-based reporting duties; and
  - Western Australia had no legislative duty, but did have broad policy-based reporting duties;

## **A 2 Aims of the study**

This research project is the first large-scale, mixed-method study of primary school teachers' reporting of suspected child sexual abuse in three States with different legal and policy frameworks: New South Wales, Queensland, and Western Australia. This project was driven by a central question:

What practical and legal outcomes appear to be produced by different laws and policies requiring teachers to report suspected child sexual abuse?

The project had four components:

- legal research and analysis (examining legislation and case law);
- policy analysis (examining school policies about teachers reporting child sexual abuse);
- analysis of data from government child protection departments about past reporting by teachers of suspected child sexual abuse; and
- a quantitative survey of teachers in each of the three States.

### ***Developing an evidence base***

The research project aimed to develop an evidence base about the factors described above. Such an evidence base would both fill existing gaps in knowledge, and be able to inform future legislative reform, policy reform, and training efforts to enhance teachers' attitudes and reporting effectiveness regarding

child sexual abuse. The research aimed to indicate which aspects of each legal and policy framework were theoretically and legally sound, workable in practice, and produced desirable outcomes. We also aimed to gather evidence concerning teachers' training about the reporting duties, their knowledge of the legislative and policy-based reporting duties, their attitudes towards the duty to report, their past reporting practice and anticipated future reporting practice, and future training requirements.

### A 3 Significance of findings

Findings are of substantial significance for future enhancement of law, policy, teacher training and reporter practice. The overriding interest, serving individual children and society, is to inform enhancements to effective detection and disclosure of child sexual abuse, to better protect children from sexual abuse and the consequences that often flow from it. In addition, this overriding interest connects with:

- (1) Interests in the legal system:
  - To promote soundness of legislation within States;
  - To promote harmonised legislation across States;
- (2) Interests at different levels of the school system:
  - at a systems level, to ensure school authorities are protected from legal liability by ensuring they develop sound policies about reporting of child sexual abuse, and develop systems to incorporate and enable the fulfilment of legislative and policy-based reporting duties;
  - at an individual level, to prepare teachers for this important aspect of their professional and ethical role.

Results of our study have the following benefits:

- indicate features of legislation that can be made more theoretically, legally and practically sound;
- indicate features of policy that can be made more theoretically, legally and practically sound;
- indicate areas of teacher training that can be improved;
- indicate areas of teacher reporting practice that can be improved;

Findings thus have implications for reform of legislation and policy, training of teachers about the reporting of child sexual abuse, and enhancement of child protection.

### A 4 Literature review

#### A 4.1 Incidence of child sexual abuse

In Australia, sexual abuse accounts for roughly 10% of the four major types of child maltreatment (physical abuse, psychological abuse, sexual abuse, and neglect). The officially recorded incidence of child sexual abuse has been stable over the past five years, with between 3400 and 3700 Australian children in substantiated reports every year since 2004.<sup>1</sup> Using population statistics, these data suggest that from 2004-08, the rate of children suffering sexual abuse ranged between 7.92 (2006-07) and 8.44 (2005-06) in every 10,000 children. However, prevalence studies show that the true incidence is significantly higher, because sexual abuse is perpetrated in private, and many cases are neither disclosed by victims nor detected and reported by other persons.<sup>2</sup> Child sexual abuse has a different aetiology than other forms of

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<sup>1</sup> In the 12 months between 2007-08, there were 3511 separate children in substantiated cases (Australian Institute of Health and Welfare, *Child protection Australia 2007-08* (AIHW, Canberra, 2009) 70 (Table A1.2). The figure in 2006-07 was 3453 cases (AIHW, *Child protection Australia 2006-07* (AIHW, Canberra, 2008) 69 (Table A1.2). In 2005-06, there were 3660 children in substantiated cases (AIHW, *Child protection Australia 2005-06* (AIHW, Canberra, 2007) 61 (Table A1.2), and in 2004-2005, there were 3574 (AIHW, *Child protection Australia 2004-05*, AIHW, Canberra, 2006) 55 (Table A1.2).

<sup>2</sup> See Jillian Fleming, 'Prevalence of Childhood Sexual Abuse in a Community Sample of Australian Women' (1997) 166(2) *Medical Journal of Australia* 65. Fleming's retrospective study of 710 randomly selected women found that 144 (20%) had experienced child sexual abuse involving at least genital contact before the age of 16. See also Michael Dunne et al, 'Is Child Sexual Abuse Declining?' (2003) 27 *Child Abuse & Neglect* 141, which in a population-based survey of 1784 people conducted in 2003, found that at least 12% of women and 4% of men experienced

child maltreatment, with the risk factors common to most child maltreatment significantly less common in cases of child sexual abuse. So, for example, major risk factors for physical abuse, emotional abuse and neglect include substance abuse, domestic violence, the parent being abused as a child, criminal activity, and mental illness (as well as others such as the child's difficult temperament, lower socioeconomic status, single parenthood, low parental age, and poor parental skills). Yet, in contrast, child sexual abuse is more likely to occur in the absence of these factors, and instead tend to be more likely in situations where the child is female, and where there is marital conflict, low parental attachment, overprotective parenting, and parental alcohol abuse. Further, low socioeconomic status appears not to be a risk factor.<sup>3</sup>

**Table A1: Rate of child sexual abuse in Australia, children aged 0-17<sup>4</sup>**

Year	Children aged 0-17	Substantiated cases	Rate per 1000	Rate per 10,000	Rate per 100,000
2005	4,858,710	3574	0.74	7.36	73.56
2006	4,902,206	3660	0.75	7.47	74.66
2007	4,951,756	3453	0.70	6.97	69.73
2008	4,998,457	3511	0.70	7.02	70.24

#### A 4.2 Consequences of child sexual abuse

Children who experience sexual abuse often suffer both initial and longer-term consequences, although the extent and severity of these differ for each individual.<sup>5</sup> Immediate and initial consequences commonly include post-traumatic stress disorder,<sup>6</sup> anxiety,<sup>7</sup> depression and low self-esteem,<sup>8</sup> inappropriate

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unwanted penetrative abuse before the age of 16. Compare a national USA study involving 2626 men and women, in which 27% of women and 16% of men disclosed they were sexually abused while a child: David Finkelhor et al, 'Sexual abuse in a national survey of adult men and women: Prevalence, characteristics, and risk factors' (1990) 14 *Child Abuse & Neglect* 19. Contrast Stephen Dinwiddie et al, 'Early sexual abuse and lifetime psychopathology: a co-twin control study' (2000) 30 *Psychological Medicine* 41, where use of a different definition of child sexual abuse, namely 'Before age 18, were you ever forced into sexual activity, including intercourse?', found that 5.9% of women and 2.5% of men had been sexually abused. See generally also Kevin Ronan et al, 'Child maltreatment: Prevalence, risk, solutions, obstacles' (2009) 44(3) *Australian Psychologist* 195, at 197.

<sup>3</sup> See Ronan et al, above n 2, at 197-8.

<sup>4</sup> Substantiation data from AIHW *Child Protection Australia* reports, 2004/05 to 2007/08, above n 1. Population data calculated from Australian Bureau of Statistic data, Table 9.1:

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3201.0Jun%202008?OpenDocument>.

<sup>5</sup> See generally Kathleen Kendall-Tackett, Linda Williams and David Finkelhor, 'Impact of Sexual Abuse on Children: A Review and Synthesis of Recent Empirical Studies' (1993) 113(1) *Psychological Bulletin* 164; Kimberley Tyler, 'Social and emotional outcomes of childhood sexual abuse: A review of recent research' (2002) 7 *Aggression and Violent Behavior* 567.

<sup>6</sup> Susan McLeer et al, 'Psychiatric Disorders in Sexually Abused Children' (1994) 33 *Journal of the American Academy of Child and Adolescent Psychiatry* 313; David Wolfe, Louise Sas and Christine Wekerle, 'Factors Associated with the Development of Post-Traumatic Stress Disorder among Child Victims of Sexual Abuse' (1994) 18 *Child Abuse & Neglect* 37; Sue Boney-McCoy and David Finkelhor, 'Prior Victimization: A Risk Factor for Child Sexual Abuse and for PTSD-Related Symptomatology among Sexually Abused Youth' (1995) 19 *Child Abuse & Neglect* 1401; Susan McLeer et al, 'Psychopathology in Non-Clinically Referred Sexually Abused Children' (1998) 37 *Journal of the American Academy of Child and Adolescent Psychiatry* 1326; Judith Trowell et al, 'Behavioural Psychopathology of Child Sexual Abuse in Schoolgirls Referred to a Tertiary Centre: A North London Study' (1999) 8 *European Journal of Child and Adolescent Psychiatry* 107; Allison Dubner and Robert Motta, 'Sexually and Physically Abused Foster Care Children and Posttraumatic Stress Disorder' (1999) 67 *Journal of Consulting and Clinical Psychology* 367.

<sup>7</sup> Dinwiddie et al, above n 2.

<sup>8</sup> Josie Spataro et al, 'Impact of child sexual abuse on mental health: Prospective study in males and females' (2004) 184 *British Journal of Psychiatry* 416; Heather Swanston et al, 'Nine years after child sexual abuse' (2003) 27 *Child Abuse & Neglect* 967; Theresa Wozencraft, William Wagner and Alicia Pellegrin, 'Depression and Suicidal Ideation in Sexually Abused Children' (1991) 15 *Child Abuse & Neglect* 505.

sexualised behaviour<sup>9</sup> and difficulty with peers.<sup>10</sup> Adolescents are more likely to experience depression and anxiety than younger children, due to a more developed cognition about the nature of the abuse.<sup>11</sup> Adolescents are more susceptible to self-harm,<sup>12</sup> suicidal ideation and behaviour,<sup>13</sup> and substance abuse and running away from home.<sup>14</sup> Low self-esteem often persists in adolescence, affecting academic and personal achievement.<sup>15</sup> Adverse physical and mental health effects often continue through adult life,<sup>16</sup> and some victims become offenders.<sup>17</sup>

#### **A 4.3 Principles underlying mandatory reporting laws and policies**

##### *Secrecy of child sexual abuse, and lack of disclosure by the child*

By their nature, the acts of child sexual abuse occur in private, usually in the child's home or the perpetrator's home. Typically, the only persons who know about the acts are the perpetrator and the child. The great majority of cases involve a perpetrator who is a family member, or someone else who is known to the child; only around 15% of cases involve perpetrators who are unknown to the child.<sup>18</sup>

This relational aspect to the phenomenon is a major factor producing nondisclosure of the events. In cases involving infants and young children, the child will often not even know that what is being done to her or him constitutes abuse, and so nondisclosure is especially likely when the child is either, or both, preverbal or too young to understand the nature of the acts.<sup>19</sup> However, especially in cases where the child knows and has some type of relationship with the perpetrator, very young children may be persuaded the acts are normal, especially where the abuse is presented as bestowing favour on the child.<sup>20</sup> Even when a child

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<sup>9</sup> Jon McClellan et al, 'Age of Onset of Sexual Abuse: Relationship to Sexually Inappropriate Behaviours' (1996) 35 *Journal of the American Academy of Child and Adolescent Psychiatry* 1375.

<sup>10</sup> Anthony Mannarino, Judith Cohen and Susan Berman, 'The Children's Attributions and Perceptions Scale: A New Measure of Sexual Abuse-Related Factors' (1994) 23 *Journal of Clinical Child Psychology* 204.

<sup>11</sup> Christine Gidycz and Mary Koss, 'The Impact of Adolescent Sexual Victimization: Standardized Measures of Anxiety, Depression and Behavioural Deviancy' (1989) 4 *Violence and Victims* 139.

<sup>12</sup> Graham Martin et al, 'Sexual Abuse and Suicidality: Gender Differences in a Large Community Sample of Adolescents' (2004) 28 *Child Abuse & Neglect* 491; see also Sarah Romans et al, 'Sexual Abuse in Childhood and Deliberate Self-Harm' (1995) 152 *American Journal of Psychiatry* 1336.

<sup>13</sup> Dinwiddie et al, above n 2; Beth Molnar, Lisa Berkman and Stephen Buka, 'Psychopathology, Childhood Sexual Abuse and Other Childhood Adversities: Relative Links to Subsequent Suicidal Behaviour in the US' (2001) 31 *Psychological Medicine* 965; Martin et al, above n 12.

<sup>14</sup> Mary Rotherham-Borus et al, 'Sexual Abuse History and Associated Multiple Risk Behaviour in Adolescent Runaways' (1996) 66 *American Journal of Orthopsychiatry* 390.

<sup>15</sup> Wozencraft, Wagner and Pellegrin, above n 8.

<sup>16</sup> Spataro et al, above n 8; Allan Horwitz et al, 'The impact of childhood abuse and neglect on adult mental health: A prospective study' (2001) 42 *Journal of Health and Social Behaviour* 184; Paul Mullen et al, 'Childhood sexual abuse and mental health in adult life' (1993) 163 *British Journal of Psychiatry* 721.

<sup>17</sup> Daniel Salter et al, 'Development of sexually abusive behaviour in sexually victimised males: a longitudinal study' (2003) 361 *Lancet* 471; Freda Briggs and Russell Hawkins, 'A comparison of the childhood experiences of convicted male child molesters and men who were sexually abused in childhood and claimed to be non-offenders' (1996) 20 *Child Abuse & Neglect* 221.

<sup>18</sup> See for example Howard Snyder, 'Sexual assault of young children as reported to law enforcement: Victim, incident and offender characteristics', Washington: Bureau of Justice Statistics, 2000, 1-17; David Finkelhor, 'The prevention of childhood sexual abuse', (2009) 19(2) *Future of Childhood* 53; Stephen Smallbone, William Marshall and Richard Wortley, *Preventing Child Sexual Abuse*, Cullompton, Willan, 2008, 10-11; see also Andrea Sedlak and Diane Broadhurst, Executive Summary of the Third National Incidence Study of Child Abuse and Neglect, Westat: Rockville, MD, 1996, <<http://www.childwelfare.gov/pubs/statsinfo/nis3.cfm>>.

<sup>19</sup> Lucy Berliner and Jon Conte, 'The process of victimization: the victims' perspective' (1990) 14 *Child Abuse & Neglect* 29.

<sup>20</sup> Queensland Crime Commission and Queensland Police Service, *Project AXIS — Child Sexual Abuse in Queensland: The Nature and Extent*, Brisbane, 2000, 83-87, <<http://www.cmc.qld.gov.au/data/portal/00000005/content/00848001141363218928.pdf>>.

does know or feel the acts are wrong or harmful, she or he may feel guilt and responsibility for the acts.<sup>21</sup> A child may be unwilling to disclose due to embarrassment and shame. As well, an abused child is often sworn to secrecy through threats or bribery,<sup>22</sup> and may fear reprisals from the abuser,<sup>23</sup> or that abuse will be perpetrated on other family members.<sup>24</sup> She or he may fear that the family will be affected badly or destroyed if they tell anyone about the abuse.<sup>25</sup> The child may also fear that they will not be believed if they complain, and can be wary of being punished for complaining.<sup>26</sup> Finally, the child may be unwilling to disclose out of fear that the perpetrator would be punished, since the child may still love the offender.<sup>27</sup>

Hence, many victims of sexual abuse do not disclose their experience, or only disclose it a significant time after the events.<sup>28</sup> Instead, a child will often develop coping mechanisms.<sup>29</sup> Nondisclosure is more likely when the perpetrator is a parent or family member,<sup>30</sup> or other trusted figure. These factors contribute to the greater likelihood that if the abuser is a family member, victims may suffer numerous abusive acts, which can occur over a period of months or years.<sup>31</sup> Fleming's Australian study found that 48 per cent of

<sup>21</sup> Philip Ney et al, 'Child abuse: a study of the child's perspective' (1986) 10 *Child Abuse & Neglect* 511; Berliner and Conte, above n 19; Kay Bussey and Elizabeth Grimbeek, 'Disclosure processes: issues for child sexual abuse victims' in K Rotenberg (ed) *Disclosure Processes in Children and Adolescents*, Cambridge University Press, Cambridge, 1995, cited in Queensland Crime Commission and Queensland Police Service, above n 20, 88; Tina Goodman-Brown et al, 'Why children tell: a model of children's disclosure of sexual abuse' (2003) 27 *Child Abuse & Neglect* 525.

<sup>22</sup> Queensland Crime Commission and Queensland Police Service, above n 20, 89-90.

<sup>23</sup> Diana Russell, *The secret trauma: Incest in the lives of girls and women*, Basic Books, New York, 1986, 132; Thomas Lyon, 'The effect of threats on children's disclosure of sexual abuse' (1996) 9(3) *The APSAC Advisor* 9; Sally Palmer et al, 'Responding to children's disclosure of familial abuse: What survivors tell us' (1999) 78 *Child Welfare* 259; Goodman-Brown et al, above n 21.

<sup>24</sup> Berliner and Conte, above n 19; Goodman-Brown, above n 21.

<sup>25</sup> Micaela Crisma et al, 'Adolescents who experienced sexual abuse: Fears, needs and impediments to disclosure' (2004) 28 *Child Abuse & Neglect* 1035; Louanne Lawson and Mark Chaffin, 'False negatives in sexual abuse disclosure interviews: Incidence and influence of caretaker's belief in abuse in cases of accidental abuse discovery by Diagnosis of STD' (1992) 7 *Journal of Interpersonal Violence* 532.

<sup>26</sup> Beverley Gomes-Schwartz, Jonathan Horowitz and Albert Cardarelli, *Child sexual abuse: the initial effects*, Sage, Newbury Park, 1990.

<sup>27</sup> Marcellina Mian et al, 'Review of 125 children 6 years of age and under who were sexually abused' (1986) 10 *Child Abuse & Neglect* 223; Tilman Furniss, *The multi-professional handbook of child sexual abuse: integrated management, therapy, and legal intervention*, Routledge, London, 1991.

<sup>28</sup> Kamala London et al, 'Disclosure of child sexual abuse: What does the research tell us about the ways that children tell?' (2005) 11 *Psychology, Public Policy, and Law* 194; Mary Paine and David Hansen, 'Factors influencing children to self-disclose sexual abuse' (2002) 22 *Clinical Psychology Review* 271; Sharon Lamb and Susan Edgar-Smith, 'Aspects of disclosure: Mediators of outcome of childhood sexual abuse' (1994) 9 *Journal of Interpersonal Violence* 307; Diana Elliott and John Briere, 'Forensic sexual abuse evaluations of older children: Disclosures and symptomatology' (1994) 12 *Behavioral Sciences and the Law* 261; Finkelhor et al, above n 2; Maria Sauzier, 'Disclosure of child sexual abuse: For better or worse' (1989) 12 *Psychiatric Clinics of North America* 455.

<sup>29</sup> Roland Summit, 'The Child Sexual Abuse Accommodation Syndrome' (1983) 7 *Child Abuse & Neglect* 177.

<sup>30</sup> Steven Kogan, 'Disclosing unwanted sexual experiences: results from a national sample of adolescent women' (2004) 28 *Child Abuse & Neglect* 147; Berliner and Conte, above n 19; Catalina Arata, 'To tell or not to tell: current functioning of child sexual abuse survivors who disclosed their victimization' (1998) 3 *Child Maltreatment* 63; Sauzier, above n 17; Louise Sas, *Three years after the verdict*, London Family Court Clinic, London: Ontario, 1993. Where the perpetrator is a relative, it is even more likely that the delay in disclosure will be long. An analysis of Queensland Police Service data from 1994-98 found that of 3721 reported offences committed by relatives, 25.5% of survivors took 1-5 years to report the acts; 9.7% took 5-10 years; 18.2% took 10-20 years, and 14.2% took more than 20 years: Queensland Crime Commission and Queensland Police Service, above n 20, 86 (Table 25). In contrast, of the 1058 cases where the offender was not known to the complainant, 27.4% reported the offence within a week, 34.4% reported it within 1-4 weeks, and a further 18.5% reported it within 1-6 months: id.

<sup>31</sup> Smallbone, Marshall and Wortley, above n 18, 7-8; Michael Dunne and Margot Legosz, 'The consequences of childhood sexual abuse' in Queensland Crime Commission and Queensland Police Service, *Project AXIS – Child Sexual Abuse in Queensland: Selected Research and Papers*, Brisbane, 2000, 44, 47-55; David Fergusson and Paul Mullen, *Childhood Sexual Abuse: An Evidence Based Perspective* (1999) Sage, Thousand Oaks, 47; David Finkelhor, 'Current information on the scope and nature of child sexual abuse' (1994) 4 *Future of Children* 31.

the women who suffered sexual abuse as children had never disclosed it. Of those who did, almost half only disclosed at least 10 years after the first event.<sup>32</sup> Similarly, an American study of 288 female child rape victims found that only 12 per cent had ever reported their assaults to authorities, and over 25 per cent had never disclosed their assault to anyone prior to the study.<sup>33</sup> A national study in the USA found that of 416 women and 169 men who suffered child sexual abuse, 33% and 42% respectively had never disclosed it before the study, and a further 24% and 14% had only disclosed at least one year after the events.<sup>34</sup>

Finally, it is worth observing that even where a parent knows of the child's abuse, reports to police still will often not be made.<sup>35</sup> Many child victims of sexual abuse are then in an invidious position, seemingly beyond help.

### ***Laws and policies requiring professionals to report suspected cases of child sexual abuse***

Because of the secrecy surrounding child sexual abuse, and the frequent lack of disclosure of it, many jurisdictions have created legislation which requires members of selected professions to report suspected cases of child sexual abuse. These legislative reporting duties are a central plank of child protection policy, aiming to identify cases of child sexual abuse which would not otherwise come to the attention of helping agencies. Disclosure is intended to facilitate child protection and, where appropriate, the provision of support and intervention services to children and families. This in turn aims to improve health, development and wellbeing with longer-term benefits including the minimisation of future costs to children and society.<sup>36</sup>

These laws, often called mandatory reporting laws, are usually applied to all types of child abuse, but they appear to have particularly strong justifications for cases of child sexual abuse. We have already noted data about the incidence of sexual abuse, evidence about the severe consequences often caused, and evidence of victims' difficulty in disclosure and other obstacles to disclosure. In addition to this, relatively few adults who commit child sexual abuse will themselves alert authorities to it, since child sexual abuse nearly always constitutes criminal conduct and will render the confessor liable to criminal and civil liability. As well, small but significant numbers of sexual offenders against children have large numbers of victims, so that in some cases, interruption of abuse will prevent not only the continued suffering of one child, but of many.<sup>37</sup>

Mandatory reporting laws have now been enacted by all jurisdictions in Australia, Canada and the USA, and in many other nations.<sup>38</sup> The most recent advance in this area is Western Australia's enactment of mandatory reporting of child sexual abuse, which commenced on 1 January 2009.<sup>39</sup> Often, a professional group (such as the education profession) may implement policy-based reporting obligations applying to their members, which reinforce the legislative duty. In other cases, a profession's policy-based reporting

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<sup>32</sup> Fleming, above n 2.

<sup>33</sup> Daniel Smith et al, 'Delay in Disclosure of Childhood Rape: Results From a National Survey' (2000) 24 *Child Abuse & Neglect* 273. Participants had an average age of 44.9.

<sup>34</sup> Finkelhor et al, above n 2.

<sup>35</sup> David Finkelhor, Janis Wolak and Lucy Berliner, 'Police reporting and professional help seeking for child crime victims: A review' (2001) 6(1) *Child Maltreatment* 17; David Finkelhor and Jennifer Dziuba-Leatherman, 'Children as victims of violence: A national survey' (1994) 94(4) *Pediatrics* 413; David Finkelhor, 'The international epidemiology of child sexual abuse' (1994) 18(5) *Child Abuse & Neglect* 409.

<sup>36</sup> Ben Mathews and Donald Bross, 'Mandated Reporting is Still a Policy with Reason: Empirical Evidence and Philosophical Grounds' (2008) 32 *Child Abuse & Neglect* 511.

<sup>37</sup> See for example Smallbone, Marshall and Wortley, above n 18, 7-8; Stephen Smallbone and Richard Wortley, 'Child Sexual Abuse: Offender Characteristics and Modus Operandi' (2001) *Trends and Issues in Crime and Criminal Justice*, Australian Institute of Criminology, Paper No 193, <<http://www.aic.gov.au/publications/tandi/ti193.pdf>>.

<sup>38</sup> Ben Mathews and Maureen Kenny, 'Mandatory Reporting Legislation in the USA, Canada and Australia: A Cross-Jurisdictional Review of Key Features, Differences and Issues' (2008) 13 (1) *Child Maltreatment* 50.

<sup>39</sup> *Children and Community Services Act 2004* (WA) s 124B.



duties will supplement a jurisdiction's weak or non-existent legislative reporting duty.<sup>40</sup> Policy-based reporting duties have the same aims as the legislative duties, but lack the imprimatur of Parliament and cannot provide protections to reporters that are available through legislation. So, reporting policies do not contain either the full range of protections common to legislative duties (such as immunity from legal liability). However, since the policy-based duty is administered by the relevant educational authority, non-compliance may expose the teacher who breaches the duty to professional disciplinary measures.

#### *Debates about mandatory reporting laws*

Some academic commentators have argued for the abolition of mandatory reporting laws. Behind this argument is the claim that mandatory reporting causes a massive increase in unnecessary (unsubstantiated) reports, which then requires expenditure of 'scarce' government agency resources and diverts attention and services from children who are already known to in fact require State intervention and assistance. A small number of commentators in Australia have made this claim, and it has been advanced in the USA.<sup>41</sup> Interestingly, these commentators have not argued that industry-based policies to report should be abandoned. Yet, if the argument against mandatory reporting laws is sound, then that argument should logically apply also to policies that require professionals to make reports of suspected child abuse.

Other academic commentators have rejected these arguments, and support the reporting laws. These commentators accept that improvements might be required to elements of the laws, reporting training and practices, and government response systems. However, they maintain that reporting laws and policies are necessary to disclose cases of child maltreatment, because without them many more cases of child abuse would not come to the attention of helping agencies.<sup>42</sup> Advocates of the laws have also criticised the claim that the laws produce intolerable increases in reports, by noting that significant proportions of reports are made by people who are not required by law to make reports (such as neighbours and friends and family members), and that mandated reporters are responsible for detecting a large majority of all substantiated cases of child abuse, and that many reports that are technically unsubstantiated do involve abuse, and are prime candidates for early intervention.<sup>43</sup>

Recently, in New South Wales, the Wood Special Commission of Inquiry explored the issue of whether the reporting laws should be repealed. The Commission of Inquiry concluded that **'the requirement to report should remain'**.<sup>44</sup> It was noted that to abolish mandatory reporting laws may leave people who are currently obliged to report under industry policy without the protections in the legislation (eg immunity from legal and administrative proceedings). This point has been made forcefully in the UK context, which lacks legislative protections for reporters and has enabled doctors to be disciplined in the context of making good faith reports of suspected child abuse.<sup>45</sup> It can also be noted that even with reporting laws, it

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<sup>40</sup> Not all jurisdictions have enacted legislative reporting duties. For arguments against mandatory reporting laws, see Gary Melton, 'Mandated Reporting: A Policy Without Reason' (2005) 29 *Child Abuse and Neglect* 9; Frank Ainsworth and Patricia Hansen, 'Five Tumultuous Years in Australian Child Protection' (2006) 11 *Child and Family Social Work* 33. For responses to these arguments, see Mathews and Bross, above n 36; Brett Drake and Melissa Jonson-Reid, 'A Response to Melton Based on the Best Available Data' (2007) 31 *Child Abuse and Neglect* 343.

<sup>41</sup> In Australia, see Ainsworth and Hansen, above n 40; in the USA, see Melton, above n 40.

<sup>42</sup> Mathews and Bross, above n 36; Drake and Jonson-Reid, above n 40; see also David Finkelhor, 'The main problem is underreporting child abuse and neglect', in D Loseke, R Gelles & M Cavanaugh (Eds), *Current controversies on family violence* (2005), 2nd ed, 299-310, Thousand Oaks, CA: Sage; and Doug Besharov, ' "Doing something" about child abuse: The need to narrow the grounds for state intervention' (1985) 8(3) *Harvard Journal of Law and Public Policy* 539-589.

<sup>43</sup> Mathews and Bross, above n 36; Drake and Jonson-Reid, above n 40.

<sup>44</sup> J Wood, *Report of the Special Committee of Inquiry into Child Protection Services in New South Wales*, 2008, <http://www.lawlink.nsw.gov.au/cpsinquiry>, Vol 1, p 180-2, [6.61]-[6.66].

<sup>45</sup> B Mathews, H Payne, C Bonnet and D Chadwick, 'A Way To Restore British Paediatricians' Engagement With Child Protection' (2009) 94(5) *Archives of Disease in Childhood* 329-332.

is acknowledged that many cases of severe child abuse will still go undetected and undisclosed, including cases that end in death.<sup>46</sup>

Evidence shows that teachers and other mandated reporters are responsible for bringing the attention of authorities to very high proportions of all known cases of child sexual abuse. In the USA, for example, in the years 2004 and 2007 respectively, reports by mandated reporters of suspected child sexual abuse led to 68.9%, and 74.0% of all sexual abuse substantiations.<sup>47</sup> So, these data would suggest that the reporting duties work well. However, a closer look at the existing evidence about teacher reporting practice indicates some areas of law and practice that require investigation.

#### **A 4.4 Evidence about reporting by teachers of suspected sexual abuse**

Despite the importance of the reporting duties, there has been barely any research into the extent of teachers' knowledge of their reporting duties, and their reporting practices. In addition, there is little empirical research into teachers' reporting practice in these different contexts of law and policy, or into contextual factors influencing their reporting practice. Most of the existing research has been conducted in the USA.

##### **Factors influencing reporting**

Research into reporting of child abuse and neglect by primary school teachers has identified a number of factors which influences reporting practice. These include:

- (i) the frequency and severity of the child's injuries and behaviour;<sup>48</sup>
- (ii) the awareness of the existence of a legal duty to report CAN.<sup>49</sup>
- (iii) teachers' knowledge of the reporting duty;<sup>50</sup>
- (iv) teachers' attitudes towards reporting;<sup>51</sup>
- (v) the extent and nature of teachers' training in recognising CAN;<sup>52</sup>
- (vi) teachers' confidence in their own ability to accurately recognise CAN;<sup>53</sup>
- (vii) the presence of well formulated action plans for reporting;<sup>54</sup> and
- (viii) a supportive work environment.<sup>55</sup>

The few studies that have been conducted in Australia suggest two important factors influencing reporting. First, it seems that the **presence of a legislative duty to report**, with training about how to comply with that duty, increases substantiated and unsubstantiated reports of child sexual abuse. A study in New South Wales conducted in 1987 compared the sexual abuse reporting by teachers and school counsellors in the year before and after the introduction of legislative mandatory reporting duties. Reports of suspected sexual abuse almost tripled from 98 to 286. Of these reports, substantiation rates were

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<sup>46</sup> See for example Sedlak and Broadhurst, above n 18.

<sup>47</sup> US Department of Health and Human Services, Administration on Children, Youth and Families, *Child maltreatment 2004*, Washington, DC: US Government Printing Office, 2005; US Department of Health and Human Services, Administration on Children, Youth and Families, *Child maltreatment 2007*, Washington, DC: US Government Printing Office, 2008.

<sup>48</sup> Kerryann Walsh et al, 'Case, teacher and school characteristics influencing teachers' detection and reporting of child physical abuse and neglect: Results from an Australian survey' (2008) 32(10) *Child Abuse & Neglect* 983.

<sup>49</sup> Wesley Crenshaw, Lucinda Crenshaw and James Lichtenberg, 'When educators confront child abuse: An analysis of the decision to report' (1995) 19 *Child Abuse & Neglect* 1095.

<sup>50</sup> Maureen Kenny, 'Teachers' attitudes' toward and knowledge of child maltreatment' (2004) 28 *Child Abuse & Neglect* 1311.

<sup>51</sup> Russell Hawkins and Christy McCallum, 'Mandatory notification training for suspected child abuse and neglect in South Australian schools' (2001) 25 *Child Abuse & Neglect* 1603; Adrienne Goebbels et al, 'Teachers' reporting of suspected child abuse and neglect: behaviour and determinants' (2008) 23(6) *Health Education Research* 941.

<sup>52</sup> Hawkins and McCallum, above n 51.

<sup>53</sup> Crenshaw, Crenshaw & Lichtenberg, above n 49.

<sup>54</sup> Goebbels et al, above n 51.

<sup>55</sup> Nadine Abrahams, Kathleen Casey and Deborah Daro, 'Teachers' knowledge, attitudes and beliefs about child abuse and its prevention' (1992) 16 *Child Abuse & Neglect* 229.

unchanged at around 67%. Thus, following the introduction of the law, teachers' reports resulted in uncovering significantly more substantiated cases.<sup>56</sup> It was concluded that an intensive training effort associated with the introduction of the law assisted in the positive outcomes, and minimised the potential for larger increases in unsubstantiated reports found in other jurisdictions after introduction of mandatory reporting obligations.

Second, the **conduct and timing of training** about the reporting duty is critical for higher levels of teacher knowledge, more positive teacher attitudes towards child abuse, and effective reporting behaviour. Research in South Australia indicated that a significant proportion of teachers were unaware of their reporting duty. It also found that those without any or recent training were particularly likely to have significant gaps in knowledge about their reporting duty, and were less likely to understand the nature and seriousness of child abuse. Those with recent training displayed more appropriate responses to a hypothetical case involving a child's disclosure of abuse.<sup>57</sup>

Overseas studies, mainly conducted in the US, have found that teachers were unaware of their legal duty and lacked sufficient training about their duty and about reporting child abuse in general. In the United States, a national study of 568 elementary and middle school teachers conducted in the early 1990s found that two thirds of the teachers experienced insufficient training, lacked sufficient knowledge about how to detect and report suspected cases, and feared legal consequences as a result of reporting showing their lack of knowledge of the legal protections they had as mandated reporters.<sup>58</sup> Another study of 197 teachers conducted a decade later found widespread views that teachers had not received adequate training about child abuse and its reporting.<sup>59</sup> In terms of knowledge, significant knowledge gaps were found in a study of 200 teachers, including lack of knowledge about how to make reports, and about the immunity from liability conferred on teachers as mandated reporters.<sup>60</sup> Another study of 664 teachers, school counsellors and principals found that 89% were familiar with the law, but 40% considered themselves insufficiently prepared to deal with recognising and reporting child abuse with teachers more likely to fall in this group.<sup>61</sup> An earlier study also found significant gaps in training and knowledge of the reporting duty among teachers, concerning the reporting of all forms of child abuse.<sup>62</sup> A landmark study of reporters including school principals found that while a significant number of principals would refuse to report suspected child sexual abuse even if they knew it was their legal duty to do so, for reasons including perceived likelihood of further harm and little benefit to the child, teachers were more likely to report suspected sexual abuse than other types of abuse, and perceived sexual abuse as particularly serious.<sup>63</sup> Finally, after characteristics of the case, factors such as teachers' attitudes towards reporting have been found to impact reporting practice.<sup>64</sup>

The literature review demonstrated that there were many important factors producing effective reporting behaviour, and that in Australian contexts, there was a critical lack of research into important questions about teachers' knowledge, attitudes, and reporting practice, and the legal and contextual factors influencing reporting practice. Many of these questions became our research questions in this project, as described above in Parts A 1 and A 2. These research questions informed our research design.

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<sup>56</sup> David Lamond, 'The Impact of Mandatory Reporting Legislation on Reporting Behaviour' (1989) 13 *Child Abuse & Neglect* 471.

<sup>57</sup> Hawkins and McCallum, above n 51.

<sup>58</sup> Abrahams, Casey and Daro, above n 55.

<sup>59</sup> Maureen Kenny, 'Child abuse reporting: teachers' perceived deterrents' (2001) 25 *Child Abuse & Neglect* 81.

<sup>60</sup> Kenny, above n 50.

<sup>61</sup> Crenshaw, Crenshaw & Lichtenberg, above n 49.

<sup>62</sup> Anne Reiniger, Esther Robinson and Margaret McHugh, 'Mandated training of professionals: a means for improving reporting of suspected child abuse' (1995) 19(1) *Child Abuse & Neglect* 63.

<sup>63</sup> Gail Zellman, 'Child abuse reporting and failure to report among mandated reporters' (1990) 5 *Journal of Interpersonal Violence* 3.

<sup>64</sup> Richard O'Toole et al, 'Teachers' recognition and reporting of child abuse: A factorial survey' (1999) 23(11) *Child Abuse & Neglect* 1083.

## A 5 Research design

The broad aim of this study was to explore the outcomes produced by different legislative and policy contexts regarding teachers' reporting of child sexual abuse, and to explore the extent and probable causes of both failure to report, and unnecessary reporting.<sup>65</sup> The more specific aims included the generation of evidence concerning:

- (a) teachers' knowledge of the legislative reporting duty;
- (b) teachers' knowledge of the policy-based reporting duty;
- (c) teachers' actual past reporting practice; and
- (d) teachers' anticipated future reporting practice.

To achieve these aims, the research project had four components:

- legal research and analysis (examining legislation and case law);
- policy analysis (examining school policies about teachers reporting child sexual abuse);
- analysis of data from government child protection departments about past reporting by teachers of suspected child sexual abuse; and
- a quantitative survey of teachers in each of the three States.

### A 5.1 Legal research and analysis

This stage involved research into the three States' **legislative** requirements regarding teachers' reporting of child sexual abuse, and case law (common law) issues in this context (such as negligence and breach of statutory duty). We obtained and analysed the legislative provisions and case law to ascertain legal, theoretical and practical consequences for child sexual abuse victims and teachers. Issues to be examined include the impact of legal provisions on teachers' and schools' liability in negligence and defamation, and on teachers' professional practice. These analyses also informed design of the survey instruments, especially regarding the scale of questions concerning knowledge of legislation.

### A 5.2 Policy analysis

This stage also involved research into **policy-based** requirements regarding teachers' duty to report child sexual abuse, both from government schools, and from non-government Catholic schools, in the three States.

Within the government sector, this process was relatively straightforward because in each of the three States the relevant policy document applies to all government schools in the State. This centralised approach can be contrasted with the situation in non-government schools.

Within the non-government sector, groups of schools sometimes operate under a centralised policy applying to all schools within that group. For example, in Western Australia, all Catholic schools operate under one policy.<sup>66</sup> However, within other groups of non-government schools, and even within the Catholic sector in some jurisdictions, policy is often fragmented. For example, in Queensland and New South Wales in the Catholic sector, policy approaches are developed at the diocesan or archdiocesan level, which results in different policy obligations applying to different groups of schools.<sup>67</sup>

Our random sample of schools was generated to represent proportionate numbers of government and non-government schools as exist in Australian society. Accordingly, government schools formed the

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<sup>65</sup> In a forthcoming article, the authors report on this broad aim, using multivariate analyses to identify associations between factors tending to produce different types of reporting behaviour.

<sup>66</sup> Catholic Education Commission of Western Australia (2002) 'Procedures For The Identification And Notification Of Child Abuse And Neglect', copy on file with authors.

<sup>67</sup> This occurs even though the New South Wales government has published a comprehensive set of guidelines regarding good practice, aimed at increasing effective practice across sectors: Department of Community Services, *New South Wales Interagency Guidelines for Child Protection Intervention*, 2006.

majority of the entire sample. In addition, of those non-government schools in the sample, Catholic schools formed the vast majority. The policies of non-government schools included in the sample, but which were not in the Catholic sector, were not examined due to practical and methodological difficulty. These policies, where they exist, are of far narrower application, and for the purpose of the study, presented insurmountable methodological challenges to the task of generating reliable, valid, comparable data.

### **Accessing policy documents**

Accordingly, for the policy exploration aspect of our study, we obtained the following policy documents regarding the reporting of child sexual abuse:

- government school policies, from the government education departments in Queensland, New South Wales and Western Australia;<sup>68</sup>
- relevant Catholic (non-government) school policy documents from 5 dioceses and archdioceses in Queensland;<sup>69</sup>
- relevant Catholic (non-government) school policy documents from 11 dioceses and archdioceses in New South Wales;<sup>70</sup> and
- relevant Catholic (non-government) school policy documents from Western Australia.<sup>71</sup>

### **Analysing policy documents**

Both government and non-government school policies were analysed for content to ascertain legal issues (eg conformity with the legislation), theoretical issues (eg extent to which policy promoted child protection), and practical issues (eg practicability of reporting, and adequacy of content for teachers). We extracted information about the content of the reporting duty regarding the following seven features:

1. The effect, if any, of the identity of the suspected perpetrator (for example, is the reporting duty activated only when the suspected perpetrator is a school employee, or does the reporting duty apply regardless of the identity of the suspected perpetrator?);
2. The extent of knowledge that a teacher must have before the reporting duty is activated (actual knowledge, reasonable suspicion, or some other state of suspicion or belief);
3. The effect, if any, of the extent of harm thought to have been suffered by the child (for example, whether the reporting duty is activated only if the suspected harm is thought to be 'significant', or if it is activated regardless of the extent of harm thought to have occurred or to be likely);
4. The temporal dimension: that is, whether the reporting duty is applied only to cases of suspected past or presently-occurring abuse, or whether it also applies to suspected risk of future abuse that may not have happened yet;
5. To whom the teacher is required to report;
6. Whether the policy protects the teacher's identity from disclosure; and

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<sup>68</sup> Queensland Department of Education, Training and the Arts (2008) *SMS-PR-102: Student Protection*, <<http://education.qld.gov.au/strategic/eppr/students/smspr012/>>; New South Wales Department of Education and Training (2004) PD/2002/0072/V001: *Protecting and Supporting Children and Young People*, <<http://www.det.nsw.gov.au/policies>>; Western Australia Department of Education and Training (2005) *Child Protection*, <[http://policies.det.wa.edu.au/our\\_policies/](http://policies.det.wa.edu.au/our_policies/)>.

<sup>69</sup> The situation in Queensland within the Catholic sector is not as fragmented as that in New South Wales. There are two basic policies, adopted by different dioceses: the policy of the Archdiocese of Brisbane (*Student Protection – Reporting Processes 2004*, copy on file with authors); and the policy of the Queensland Catholic Education Commission (*Manual – Student Protection: Creating Student Safety in Communities of Care*, copy on file with authors).

<sup>70</sup> Bathurst, Broken Bay, Canberra, Lismore, Maitland-Newcastle, Parramatta, Sydney, Wagga Wagga, Wilcannia-Forbes, Wollongong; copies on file with authors.

<sup>71</sup> Catholic Education Commission of Western Australia (2002) 'Procedures For The Identification And Notification Of Child Abuse And Neglect', copy on file with authors.

7. The principal's obligation: namely, if a teacher is required to report to the principal, does the principal have to forward the report to the relevant authority even if the principal himself/herself does not suspect the child has been, is being, or is at risk of being sexually abused?

Information regarding these seven elements was then:

- tabulated;
- compared to the policies of their intra-State government or non-government counterparts;
- compared to their State's legislative reporting duty;
- compared to the common law duty; and
- compared across States.

As well as elucidating comparative differences, areas of omission and ambiguity in the policies were noted, along with any other problematic aspects. These analyses also informed design of the survey instruments, especially regarding the scale of questions concerning knowledge of policy.

### **A 5.3 Analysis of data from government child protection departments**

This stage involved research into data held by each of the three States' governments about teachers' reports of suspected child sexual abuse, and the outcomes of those reports. We sought data over a period of several years, for the purpose of identifying any outstanding trends (for example, very low or very high numbers of reports, very low or very high rates of substantiated or unsubstantiated reports).

The research team was conscious of the fact that each State has its own reporting system, and its own methods of dealing with reports once they are received (including different nomenclature), and hence that data cannot be directly compared across States. However, it was decided that it was still necessary to access this data to generate descriptive statistics about teacher reporting practice, as this would allow us to:

- generate a cross-jurisdictional picture of teacher reporting practice;
- identify any aspects of reporting practices and outcomes that appeared particularly remarkable and suggestive of a systemic feature.

In particular, we wished to explore the following questions, in each State and across States:

- (1) How many substantiated cases of child sexual abuse were there in each State?
- (2) How many substantiated cases of child sexual abuse were the result of reports by teachers?
- (3) How many reports were made by teachers of suspected child sexual abuse?
- (4) How many reports made by teachers of suspected child sexual abuse were substantiated?
- (5) How many reports made by teachers of suspected child sexual abuse were not substantiated?
- (6) In general, how does the reporting practice of teachers compare with other mandated reporter groups (and in the case of WA, with other coded reporter groups)?
- (7) Over time, how stable are the numbers of reports by teachers of suspected child sexual abuse?
- (8) Are there any outstanding indications or trends within States?
- (9) Are there any outstanding indications or trends across States?

Accordingly, we sought the following Statewide summary/aggregate data (not individual case data), for the years 2003-2007 inclusive (individual years, not aggregate over 4 years), from the New South Wales Department of Communities, the Queensland Department of Child Safety, and the Western Australian Department of Child Protection:

#### *1. Data regarding notifications of child sexual abuse from different primary sources of notification including school personnel*

(a) Total number of notifications of suspected child sexual abuse regarding children attending primary school only (ie ages 5-12 inclusive), made by each primary source of reporter (eg school personnel; police; hospital/health centre etc);

(b) Total number of distinct children the subject of these notifications, by each primary source.

## 2. Data re outcomes of notifications made by different primary sources of notification

- (a) Total number of notifications made by each primary source of reporter that were screened out or dealt with by other means eg referral to service providers, other services;
- (b) Total number of notifications made by each primary source of reporter that were investigated;
- (c) Total number of notifications made by each primary source of reporter that were substantiated; and
- (d) Total number of notifications made by each primary source of reporter that were unsubstantiated.

Each government department provided nearly all the data as requested, although some breakdowns could not be provided due to changes in reporting systems in a particular year, or due to some data not being kept, and other logistical reasons. These data were tabulated and analysed descriptively.

### A 5.4 Survey

A cross-sectional self-report teacher survey was conducted in the three states: New South Wales, Queensland and Western Australia. This type of survey can be conceptualised as providing a snapshot of a phenomenon at one point in time.

#### *Sampling strategy*

As previously stated, the participating States were purposively selected for this study based on their different legislative reporting obligations for teachers. Teachers in primary schools catering for children in the age range of 5-12 years were targeted, both because most sexual abuse is perpetrated against children in this age group.<sup>72</sup> Participants were recruited via their schools to ensure representativeness, a proportionate random sample of government and non-government schools across rural and urban areas was generated from a master lists of schools obtained from school authorities.<sup>73</sup>

#### *Approvals to conduct research*

Ethical approval for the study was granted by QUT's University Human Research Ethics Committee.<sup>74</sup> Approval to conduct the research was also sought from 20 separate government and non-government school authorities in New South Wales, Queensland and Western Australia. All granted approval except the New South Wales Department of Education and Training who declined, stating that the research was 'not of sufficient educational value purpose or significance to justify expenditure of time and effort of the Department, its staff or students due to the New South Wales Government Special Commission of Inquiry into Child Protection Services'.<sup>75</sup> This was disappointing, because the Special Commission of Inquiry (the Wood Inquiry) did not conduct a survey of primary school teachers' reporting of child sexual abuse and was unable to shed light on the specific research questions of interest in this study. It must also be stated that the New South Wales government sector was arguably the sector most experienced in dealing with

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<sup>72</sup> While different studies have produced different findings about the ages at which children are most often sexually abused, some of these do not distinguish between unwanted sexual experiences between peers, and unwanted sexual experiences perpetrated by adults or persons in clearly defined positions of power regarding the child. For our purposes, which focus not on peer-to-peer acts, but on sexual abuse inflicted on children by adults or persons in clearly defined positions of power regarding the child, we proceeded on the basis that most such abuse is inflicted on children under 12. In support of this departure point, see the national study conducted in the USA by David Finkelhor, above n 2, which found that of 416 women and 169 men reporting child sexual abuse, 78% and 69% respectively were aged 12 or under, and the median ages were 9.6 and 9.9 respectively. See also Jessie Anderson et al, 'The prevalence of childhood sexual abuse experiences in a community sample of women' (1993) 32 *Journal of the American Academy of Child and Adolescent Psychiatry* 911. Two Australian studies found slightly higher mean ages at first episode: 10 years (Fleming, above n 2) and 10.8 years (Dinwiddie et al, above n 2) respectively.

<sup>73</sup> Government schools are administered by the relevant Department of Education in each State, and comprise approximately 70% of schools in each State; non-government schools, such as Catholic schools and independent schools, are not administered by those departments: Australian Bureau of Statistics, *Schools, Australia, 2007*, Australian Bureau of Statistics: Canberra, 2008, <<http://www.abs.gov.au/ausstats/abs@.nsf/mediareleasesbytitle/84829036269D0245CA2573FD00112545?OpenDocument>>.

<sup>74</sup> University Human Research Ethics Committee Reference Number 0700000298.

<sup>75</sup> Personal communication on file with authors.

child sexual abuse reporting, having operated under a legislative duty for the longest duration of any State, and with arguably the greatest and longest investment in teacher preparation and training. It was quite likely, therefore, that teachers from New South Wales government schools would have demonstrated the highest levels of knowledge and that their experience of training and reporting would have exemplified the soundest approach to reporting of child sexual abuse, which other Australian sectors may have benefitted from by benchmarking against their approach. Nevertheless, the experience of teachers in New South Wales was able to be represented due to the participation of teachers from non-government schools in that State.

### **Participants**

Participants (N=470) were recruited from government and non-government schools in Queensland and Western Australia, and only from non-government schools in New South Wales. This resulted in teachers from five sector groups participating in the study:

1. New South Wales non-government schools (NSWNGS);
2. Queensland government schools (QGS);
3. Queensland non-government schools (QNGS);
4. Western Australian government schools (WAGS); and
5. Western Australian non-government schools (WANGS).

### **Survey instrument**

The Teacher Reporting Questionnaire (TRQ) was developed by the research team specifically for this study (see Appendix D). The TRQ was informed by empirical research on child abuse reporting,<sup>76</sup> and our own analysis of State legislation and school policies. Hence, the parts concerning knowledge of legislation and policy were custom-made for each of the five sectors to incorporate jurisdictional differences. Scenarios were constructed, informed by previous empirical studies and literature about the indicators of child sexual abuse. The purpose of the scenarios was to explore anticipated reporting behaviour and the effect of a known duty to report, particularly where abuse was suspected but not reported. The TRQ had eight sections, capturing information about:

1. demographics;
2. workplace role;
3. education and training;
4. reporting history;
5. attitudes about reporting;
6. knowledge of reporting duty under policy;
7. knowledge of reporting duty under legislation; and
8. anticipated reporting when faced with six scenarios concerning possible cases of child sexual abuse.

The TRQ was pilot tested and refined in a five-stage process involving an expert review panel, structured focus group, cognitive interviews, and field testing with a convenience sample of 21 teachers from a Queensland non-government school.<sup>77</sup>

### **Data collection procedure**

Dillman's tailored design method was followed in designing the approaches to schools and the data collection process.<sup>78</sup> First, principals were mailed information about the study and invited to provide

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<sup>76</sup> Crenshaw, Crenshaw & Lichtenberg, above n 49; Hawkins and McCallum, above n 51; Walsh et al, above n 48; Kenny, above n 50; Ben Mathews et al, 'Queensland nurses' attitudes towards and knowledge of the legislative duty to report child abuse and neglect: Results of a State-wide survey' (2008) 16(2) *Journal of Law and Medicine* 288; Gail Zellman, 'Report decision-making patterns among mandated child abuse reporters' (1990) 14 *Child Abuse & Neglect* 325.

<sup>77</sup> K Walsh, M Rassafiani, B Mathews, A Farrell & D Butler, 'Teachers' attitudes toward reporting child sexual abuse: Problems with existing research leading to new scale development' (in press, accepted 17 October 2009) *Journal of Child Sexual Abuse*.



permission for their school's participation. Next, during the 2007 academic school year, consenting schools were posted packages of questionnaires. A contact person at each school was asked to distribute these to volunteer participants and to collect and return completed questionnaires. Along with the questionnaire, individual teachers were provided an information sheet about the research, which informed them of the nature of the study, and reassured them that participation was voluntary and anonymous, and that responses were confidential. As well, due to the sensitive nature of the research, participants were provided with a list of free counselling services should they wish to pursue professional advice in response to their participation in the research.

Teachers returned 470 completed questionnaires, representing a return rate ranging from 50.0% to 66.3% across the 5 sectors and an overall return rate of 55.3%. Numbers of surveys sent and returned, and the resulting return rates, are displayed in Table A2.

**Table A2: Surveys sent, surveys returned, and return rates by sector**

State	Sector	Surveys sent	Surveys returned	Response rate (%)
NSW	NSWNGS	154	84	54.5%
Qld	QGS	241	121	50.2%
	QNGS	200	123	61.5%
WA	WAGS	166	83	50.0%
	WANGS	89	59	66.3%
<b>Totals</b>		<b>850</b>	<b>470</b>	<b>55.3% overall</b>

#### *Data analysis*

Data were entered into a Microsoft Access database, and imported into the Statistical Program for the Social Sciences (SPSS) 16.0 for analysis.<sup>79</sup> The analyses presented in this report are descriptive summary statistics (frequencies, percentages) and inferential statistics (means, standard deviations, and range of scores). These data presented as tables with the aim of providing data that are practically useful in understanding results within sectors and States. Tables summarise patterns and capture variation in teachers' responses. Figures (pie charts and bar graphs) are used to illustrate the relative proportion of one data category to another, and their relationship to the whole. In future, scholarly papers arising from the data will use more complex analyses, such as multivariate multi-level analyses (an extension of multiple regression procedures) to examine factors predicting reporting practice, knowledge of legislation and policy, and attitudes. These analyses will control for the hierarchical nature of the data in this study that is evident because teachers are nested within schools, within sectors, within States. For the purpose of this report, TRQ data are organised around the key elements of the survey: training, actual past reporting practice, knowledge of the legislative reporting duty, knowledge of the policy-based reporting duty, attitudes towards reporting child sexual abuse, and confidence.

<sup>78</sup> Don Dillman, 'Mail and internet surveys: The tailored design method' (2<sup>nd</sup> ed), Hoboken: John Wiley, 2007.

<sup>79</sup> SPSS Inc. (2007) Statistical Program for the Social Sciences. Rel 16.0.2 (10 April 2008). Chicago: SPSS Inc.

## PART B: FINDINGS REGARDING LEGISLATION-BASED AND POLICY-BASED DUTIES TO REPORT CHILD SEXUAL ABUSE

### B 1 The legislation-based duties to report child sexual abuse

#### B 1.1 The nature of the legislative duty to report child sexual abuse

Our research and analysis showed that when this study was conducted, different legislative reporting duties operated in the three States, applying to both school sectors in each State. The effect of the provisions at the time of the study was to impose the following legislative reporting requirements:<sup>80</sup>

##### ***New South Wales***

In New South Wales, under the *Children and Young Persons (Care and Protection) Act 1998* (NSW) ss 23, 27, teachers were required to report:

a suspicion based on reasonable grounds that a child had been, or was at risk of being, sexually abused or ill-treated [regardless of the identity of any perpetrator], when that suspicion arose in the course of their work.

##### ***Queensland***

In Queensland, under the *Education (General Provisions) Act 2006* (Qld) s 365 (applying to government school teachers), and s 366 (applying to non-government school teachers), teachers were required to report:

an awareness or a reasonable suspicion that a student under 18 years attending the school has been sexually abused by someone else who is an employee of the school.

##### ***Western Australia***

In Western Australia, there was no legislative reporting obligation at the time our study (including the survey) was conducted.

However, legislation requiring teachers to report suspected sexual abuse has recently commenced (on 1 January 2009, through the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2007* (WA)). The key provision is s 124B, which requires teachers to report:

a belief on reasonable grounds that a child has been the subject of sexual abuse on or after 1 January 2009, or is the subject of ongoing sexual abuse [regardless of the identity of any perpetrator], when that suspicion arises in the course of their work.

In making our recommendations for reform, the now-changed legislative situations in Western Australia (and NSW) have been taken into account, as well as the findings from the study.

#### B 1.2 Key differences between States

Hence, at the time the study was conducted, the context in the three States involved:

- one State (New South Wales) with a very broad legislative reporting duty;
- another (Queensland) with an extremely restricted reporting duty; and
- a third (Western Australia) with no legislative reporting duty.

The key conceptual differences between the provisions concern five features: the presence of a duty; the class of perpetrator the duty applies to; the extent of harm to the child that must be suspected to require a report; whether the duty is activated by a reasonable suspicion or a reasonable belief; and whether the duty applies to suspected risk of future abuse, as well as to suspected past or presently-occurring abuse.

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<sup>80</sup> See Appendix A for the full text of the provisions.

**Table B1: Legislative reporting duties imposed on teachers regarding suspected child sexual abuse**

	NSW	Qld	WA (time of study)	WA (1 January 2009)
<b>Are teachers required by legislation to report child sexual abuse?</b>	Yes	Yes, but in extremely limited cases	No	Yes
<b>Are there any limits on the reporting duty by class of perpetrator?</b>	No	Yes: duty only applies where suspected perpetrator is a school employee	n/a	No
<b>What is the extent of harm needed to require a report?</b>	Must report all cases, regardless of extent of harm*	Must report all cases, regardless of extent of harm	n/a	Must report all cases, regardless of extent of harm
<b>What state of mind is required to activate the reporting duty?</b>	Reasonable suspicion	Awareness or reasonable suspicion	n/a	Belief on reasonable grounds
<b>Does reporting duty apply also to cases of suspected risk of future sexual abuse that has not occurred yet?</b>	Yes	No	n/a	No

\* Legislative changes commenced on 24 January 2010, limiting the duty to report cases involving suspected significant harm.

### ***Reasonable grounds - belief - suspicion***

Before proceeding further, some final observations about the operational scope of the provisions are required, due to the common use in the legislation of the term ‘reasonable grounds’, and the use of the key terms ‘reasonable suspicion’ in New South Wales and Queensland, and the term ‘belief’ rather than suspicion in the new Western Australian legislation. In particular, a question arises about whether it is enough for the reporting duty to be activated if the teacher himself or herself suspects or believes that sexual abuse has occurred, or is occurring, or is at risk of occurring (ie, if a purely subjective test applies); or whether something more than this is required.

The legislation does not provide a clear answer to this question. In the NSW legislation, no definitions are provided for the terms ‘reasonable grounds’ or ‘suspect’. In the Queensland legislation, the term ‘suspects’ is not defined but the term ‘*reasonably suspects*’ is defined as meaning ‘suspects on grounds that are reasonable in the circumstances’ (Schedule 4). In the new WA legislation, there are no definitions provided for ‘belief’ or ‘reasonable grounds’. However, Australian courts have interpreted the meaning of these concepts, and it is useful to refer to these interpretations for guidance about their meaning.

### ***The question of whether ‘reasonable grounds’ exist for a suspicion or belief***

Concerning the question of whether ‘reasonable grounds’ for a suspicion or belief exist, the High Court of Australia confirmed in *George v Rockett* that:<sup>81</sup>

“When a statute prescribes that there must be “reasonable grounds” for a state of mind—including suspicion and belief—it requires the existence of facts which are sufficient to induce that state of mind in a reasonable person.”

Hence, this interpretation applies an objective standard, alongside the necessarily subjective element in the reporting provisions.<sup>82</sup> To activate the reporting duty, and create liability for failing to report, there

<sup>81</sup> (1990) 170 CLR 104 (at [8] of [1990] HCA 26), joint judgment of Mason CJ, and Brennan, Deane, Dawson, Toohey, Gaudron and McHugh JJ.

<sup>82</sup> In similar vein, the *Special Commission of Inquiry*, above n 44, stated that (paragraphs 6.68-6.69):

must be sufficient grounds to create the required state of mind in a reasonable person. This means that a pure subjective suspicion or belief will not be sufficient; the grounds creating that suspicion or belief must be of such weight that they would also create that state of mind in a reasonable person in that position. This forms a protective barrier against any given individual's idiosyncratic failure to develop a reasonable suspicion or belief in circumstances where a reasonable person would develop that state of mind. So, where a teacher or principal receives a direct disclosure of sexual abuse, then without compelling reasons to doubt that disclosure, that would constitute reasonable grounds for either suspicion or belief, and the teacher would not be able to escape liability for breaching a reporting duty by claiming a subjective lack of suspicion or belief. The corollary of this is that it also protects against any given individual's idiosyncratic development of a suspicion or belief, without 'reasonable' grounds. So, where a teacher or principal subjectively develops a suspicion or belief of child sexual abuse, but there are not reasonable grounds on which a reasonable person in their position would develop that suspicion or belief, then that particular teacher's suspicion or belief may well not be 'reasonable' for the purpose of the relevant provision.

#### *The nature of a reasonable suspicion: legal considerations*

According to legal authorities, **the state of suspicion is a lesser degree of certainty than one of belief**. Yet, even a reasonable belief does not require evidence establishing the fact on the balance of probabilities. So, the threshold for a suspicion is lower than that of a belief; but even the threshold of a belief is less than the balance of probabilities. In *Queensland Bacon Pty Ltd v Rees* (1966) 115 CLR 266, Kitto J stated at 303 that a suspicion that something exists is 'more than mere idle wondering whether it exists or not; it is a positive feeling of actual apprehension or mistrust, amounting to 'a slight opinion, but without sufficient evidence [to prove existence of the matter]'. Similarly, the High Court in *George v Rockett* (1990) 170 CLR 104 stated at [13] that suspicion and belief are different states of mind, and that suspicion is "a state of conjecture or surmise where proof is lacking: 'I suspect but I cannot prove'." <sup>83</sup>

Regarding the presence of a reasonable belief, the High Court in *George v Rockett* stated at [14] that:

The objective circumstances sufficient to show a reason to **believe** something need to point more clearly to the subject matter of the belief, but that is **not** to say that the objective circumstances must establish on the balance of probabilities that the subject matter in fact occurred or exists: the assent of belief is given on more slender evidence than proof. Belief is an inclination of the mind towards assenting to, rather than rejecting, a proposition and the grounds which can reasonably induce that inclination of the mind may, depending on the circumstances, leave something to surmise or conjecture.

#### *Regarding what is required for a 'reasonable suspicion' for the purposes of a statutory provision*

Thus, the facts which can reasonably inform a suspicion may be insufficient to ground a belief, with a 'belief' seemingly requiring stronger evidence than a 'suspicion'. Yet, even a reasonable belief does not require evidence showing the fact exists on the balance of probabilities. The crucial requirement for a reasonable suspicion is that some factual basis for the suspicion must be shown.

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[6.68] The requirement of 'reasonable grounds to suspect' means that:

- a. the suspicion must have some evidence to support it, although it does not require the same level of certainty as a belief, which requires that the evidence has been tested to some degree
- b. it is the suspicion of the reporter and as such, may not be shared by others, including DoCS if faced with the same set of circumstances
- c. it does not require the reporter to investigate or determine the source of the harm before reporting
- d. what constitutes 'reasonable grounds' will vary in accordance with the professional capacity and experience of the person involved.

[6.69] The *Interagency Guidelines for Child Protection Intervention 2006* advises that 'reasonable grounds' could be derived from either: (a). first hand observations about the child or family; (b) what a practitioner has been told by a child, his or her parent or another person; (c) what a practitioner can reasonably infer based on professional training and/or experience.

<sup>83</sup> Quoting Lord Devlin in *Hussien v Chong Fook Kam* (1970) AC 942, at 948.

### **B 1.3 Major legal, theoretical and practical issues presented by the legislative reporting duties, and recommendations for reform**

#### **New South Wales's broad legislative reporting duty**

New South Wales's current legislative reporting duty is sound and does not require amendment.

#### ***Pending amendments restricting reporting duty to cases where harm to child is thought to be 'significant'***

However, recent amending legislation adds a requirement that there be suspected 'significant harm' to activate the reporting duty (instead of applying the reporting duty whenever sexual abuse is suspected). For suspected sexual abuse, this proposed change is unsound and should not apply.

Some observations are warranted about these developments in NSW and why they should not apply to the reporting of suspected child sexual abuse. At the time of the study, the NSW provisions did not appear to clearly require reports only when 'significant' harm or risk of it is suspected. Rather, the provisions appeared to require reports regardless of the extent of harm thought to have been suffered or to be at risk of being suffered.

This lack of a qualification on the extent of harm required to activate the reporting duty has been interpreted as one reason behind an increase in unwarranted reports in NSW. In this regard, the *Special Committee of Inquiry into Child Protection Services in New South Wales*,<sup>84</sup> conducted in 2008, recommended inserting a 'significant harm' threshold to activate the reporting duty. So, under this approach, a reporter would only have their reporting obligation enlivened if he or she suspected not only sexual abuse, but that it had caused, or would be likely to cause, significant harm to the child. These recommendations have been adopted in the *Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009* (NSW) Schedule 1 cl [1], [2] and [7]. Hence, since the relevant provisions of this legislation commenced on 24 January 2010 (LW 22 January 2010; 2010 No 8), reports are only required of cases of suspected sexual abuse where the reporter suspects the child has suffered, is suffering, or is likely to suffer, significant harm.

The significant harm threshold may be justifiable for physical abuse, emotional or psychological abuse, and neglect, aiming to avoid reports of non-abusive situations that are clearly unnecessary. However, it should not apply to the sexual abuse reporting requirement, due to the inherent criminality of the acts, society's abhorrence of them, and the fact that acts constituting sexual abuse do in fact cause significant harm in virtually every case, if not in every case. Including the qualification produces a risk that a teacher suspecting sexual abuse may not report it if he or she for some reason miscalculates the degree of harm being suffered or likely to be suffered. This is:

- practically unsound by adding an unnecessary layer of decisionmaking to the reporter's obligation;
- legally unsound because failure to report such cases where abuse is occurring would produce liability in negligence; and
- theoretically unsound because it fails to protect children from sexual abuse and the consequences caused.

#### ***NSW Recommendation 1***

The NSW legislative provisions for reporting of suspected sexual abuse should not be made subject to a requirement of 'significant harm' to activate the reporting duty.

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<sup>84</sup> Wood, above n 44.

## Queensland's limited legislative reporting duty

### ***Reporting duty limited to extremely small class of perpetrators***

Queensland's legislative reporting duty is unsound and should be amended. It has previously been the subject of thorough critique showing that it is theoretically unsound because it is limited to cases where the suspected perpetrator is a school employee.<sup>85</sup> This study has shown that it is legally and practically unsound, because:

- it is inconsistent with the legislation now operating in every other Australian State and Territory;
- it fails to require reports of child sexual abuse from perpetrators other than school staff, when the overwhelming proportion of child sexual abuse is perpetrated by individual falling outside this class of persons;
- the policy situation in Queensland is broader, essentially imposing a broader duty of the type operating in all other Australian States (including WA);
- teachers are deprived by the current legislation of the protections afforded them for reporting the broader class of case (ie immunity from suit, and from disciplinary procedures, and confidentiality).

As well, our survey results found that all but one teacher believed the legislation required them to report suspected sexual abuse regardless of the identity of the perpetrator.

### ***QLD Recommendation 1***

The Queensland legislation should be amended to require teachers to report suspected child sexual abuse, **without** limiting the duty to report only to cases where the suspected perpetrator is a school staff member, or to cases of past abuse only. This can easily be achieved by omitting the clause referring to that class of person.

### ***No duty to report suspected risk of future sexual abuse***

In addition, Queensland's legislative duty is limited to requiring reports of suspected past or presently-occurring sexual abuse. This does not require teachers to report suspected risk of sexual abuse that has not occurred yet. This is:

- legally unsound because it:
  - differs from legislation in all other Australian States and Territories except ACT (all of these require reports of suspected risk of sexual abuse that has not occurred yet);<sup>86</sup>
  - differs from the major mandatory reporting legislation in Queensland (the *Public Health Act 2005* (Qld) s 191(1)(a);
  - differs from legislation in the majority of comparative jurisdictions in the USA and Canada;<sup>87</sup>
- theoretically unsound because it fails to protect children from sexual abuse that has not yet occurred but which may be highly likely to occur; and
- practically unsound because a teacher who commendably makes a report of suspected risk of abuse, will not receive the protections conferred by the legislation (confidentiality and anonymity).

### ***QLD Recommendation 2***

The Queensland legislation should be amended to also require reports of suspected risk of sexual abuse that has not yet occurred.

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<sup>85</sup> Queensland's legislative provisions are not duplicated in any other Western jurisdiction in the world. They have been criticised as not being about child protection, but rather being concerned to protect schools from potential legal liability: see Ben Mathews and Kerryann Walsh, 'Queensland Teachers' New Legal Obligation to Report Child Sexual Abuse' (2004) 9(1) *Australia & New Zealand Journal of Law & Education* 25.

<sup>86</sup> Mathews and Kenny, above n 38.

<sup>87</sup> Mathews and Kenny, above n 38.

The combined effect of the two recommendations about the Queensland legislation would make the new provisions read (amendment in italics; and limit on class of perpetrators omitted):

**365 Obligation to report sexual abuse of student under 18 years attending State school**

(1) Subsection (2) applies if a staff member of a State school (the *first person*) becomes aware, or reasonably suspects, that a student under 18 years attending the school has been sexually abused, is being sexually abused, *or is at risk of being sexually abused*.

**366 Obligation to report sexual abuse of student under 18 years attending non-State school**

(1) Subsection (2) applies if a staff member of a non-State school (the *first person*) becomes aware, or reasonably suspects, that a student under 18 years attending the school has been sexually abused, is being sexually abused, *or is at risk of being sexually abused*.

**Western Australia's absence of a legislative reporting duty**

This legislative absence was filled after data collection in our study. Legislation requiring teachers to report suspected sexual abuse commenced in 2009. On 19 June 2008, the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2007* (WA) was passed. The legislation, which became operational on 1 January 2009, inserted a new Division 9A into the *Children and Community Services Act 2004* (WA). The key provision is s 124B, which requires doctors, nurses, midwives, police officers and teachers to report a **belief** on reasonable grounds that a child has been the subject of sexual abuse on or after 1 January 2009, or is the subject of ongoing sexual abuse.

***Use of the term 'belief' instead of 'suspicion'***

The use of the term 'belief' rather than 'suspicion' may be problematic. Namely, it may be:

- legally problematic because it likely imports a slightly higher level of certainty than suspicion;
- theoretically unsound because it may fail to protect children from sexual abuse if teachers fail to report suspected cases because they feel suspicion is not a sufficient state of mind to require a report; and
- practically problematic because it is a concept that is arguably more difficult for teachers to apply than the concept of suspicion.

***WA Recommendation 1***

In teacher training about how to comply with the reporting duty, teachers should be made aware that once they have reasonable grounds to believe that a child may have been sexually abused, that this is sufficient to require them to make a report. They do not need to 'believe' that the child has been abused in the sense that they are certain about it, or even believe that it is more likely than not that the child has been abused. While 'belief' in legal terms means slightly more than 'suspicion', it is still equivalent to something akin to a suspicion, based on reasonable grounds.

Alternatively, and in addition to this, the Western Australian legislation should be amended to use the term 'suspicion' rather than 'belief'. This would also harmonise the Western Australian legislation with that in other jurisdictions.

***No duty to report suspected risk of future sexual abuse***

In addition, the new legislative duty is limited to requiring reports of suspected past or presently-occurring sexual abuse. This does not require teachers to report suspected risk of sexual abuse that has not occurred yet. This is:

- legally unsound because it:
  - differs from legislation in all other Australian States and Territories except ACT (all of these require reports of suspected risk of sexual abuse that has not occurred yet);<sup>88</sup>

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<sup>88</sup> Mathews and Kenny, above n 38.

- differs from legislation in the majority of comparative jurisdictions in the USA and Canada;<sup>89</sup>
- theoretically unsound because it fails to protect children from sexual abuse that has not yet occurred but which may be highly likely to occur; and
- practically unsound because a teacher who commendably makes a report of suspected risk of abuse, will not receive the protections conferred by the legislation (confidentiality and anonymity).

### **WA Recommendation 2**

The Western Australian legislation should be amended to also require reports of suspected risk of sexual abuse that has not yet occurred.

This amendment, and the amendment regarding use of the term suspicion rather than belief, can easily be achieved by making the required amendments so the new provisions would read (amendments in *italics*):

#### **124B. Matters concerning sexual abuse of children to be reported by certain persons**

(1) A person who —

(a) is a doctor, nurse, midwife, police officer or teacher; and

(b) *suspects* on reasonable grounds that a child —

(i) has been the subject of sexual abuse that occurred on or after commencement day; or

(ii) is the subject of ongoing sexual abuse; or

(iii) *is at risk of sexual abuse*;

and

(c) forms the *suspicion* —

(i) in the course of the person's work (whether paid or unpaid) as a doctor, nurse, midwife, police officer or teacher; and

(ii) on or after commencement day,

must report the *suspicion* as soon as practicable after forming the *suspicion*.

Penalty: \$6 000.

## **B 2 The policy-based duties to report child sexual abuse**

### **B 2.1 The nature of the policy-based duties to report child sexual abuse**

Our research and analysis showed that when this study was conducted, policy-based reporting duties operated widely in the three States, across sectors. Each government sector had a policy for reporting of suspected child sexual abuse, and all but one Catholic educational administrative authority had a policy.

Accordingly, for the policy exploration aspect of our study, we obtained the following policy documents regarding the reporting of child sexual abuse:

- government school policies, from the government education departments in Queensland, New South Wales and Western Australia;<sup>90</sup>
- relevant Catholic (non-government) school policy documents from 5 dioceses and archdioceses in Queensland;<sup>91</sup>

<sup>89</sup> Mathews and Kenny, above n 38.

<sup>90</sup> Queensland Department of Education, Training and the Arts (2008) *SMS-PR-102: Student Protection*, <<http://education.qld.gov.au/strategic/eppr/students/smspr012/>>; New South Wales Department of Education and Training (2004) PD/2002/0072/V001: *Protecting and Supporting Children and Young People*, <<http://www.det.nsw.gov.au/policies/>>; Western Australia Department of Education and Training (2005) *Child Protection*, <[http://policies.det.wa.edu.au/our\\_policies/](http://policies.det.wa.edu.au/our_policies/)>.

<sup>91</sup> In Queensland there are two basic policies, adopted by different dioceses: the policy of the Archdiocese of Brisbane (*Student Protection – Reporting Processes 2004*, copy on file with authors); and the policy of the



- relevant Catholic (non-government) school policy documents from 11 dioceses and archdioceses in New South Wales;<sup>92</sup> and
- relevant Catholic (non-government) school policy documents from Western Australia.<sup>93</sup>

In terms of content, the effect of the provisions was largely similar but there were differences in the parameters of the reporting policy, both conceptually, and about the practical method of how to report, and to whom to report. Broadly, all policies usually required teachers to report reasonable suspicions or reasonable beliefs that a child had suffered, or was suffering, or was at risk of suffering, sexual abuse.

These policy-based reporting duties are very important, particularly in the two States with no or very restricted legislative reporting duties. So, while Western Australia had no legislative reporting duty, and Queensland had a legislative duty with little practical substance,<sup>94</sup> both had broad policy-based reporting duties in government and non-government school sectors. Thus, while teachers in those two States were not required by legislation to report suspected child sexual abuse (in the case of Queensland, by perpetrators other than those within the school), they were under a policy-based obligation to report these suspicions. New South Wales also had complementary policy-based reporting duties applying in its government schools, and in all but one non-government school diocese in the study.

### **B 2.2 Key differences between States and government and non-government school sectors**

Analysis showed that the policy-based reporting duties were similar across States and sectors, but there were some notable differences, and some features were inconsistent with the State's legislative duty. These inconsistencies had the potential to confuse teachers unless trained about how to comply with the policy. As well, some features raised theoretical and legal problems. **Major differences** were that:<sup>95</sup>

- one diocese in NSW did not have a policy;
- only WA government school policy unequivocally required reports of suspected child sexual abuse regardless of any calculation of the extent of harm to the child;
- policies in both WA sectors only applied to past and presently-occurring abuse, and not to suspected risk of abuse occurring in future that had not happened yet;
- there were numerous differences regarding to whom the teacher is required to report;
- different obligations were imposed on principals after receiving a report (eg some policies required principals to automatically forward the report, but others only required this if the principal also had a reasonable suspicion of sexual abuse); and
- only NSW (both sectors) and the WA non-government sector clearly protected the teacher's identity.

Comparison of each sector's policies focuses on seven key features:

- (i) whether the duty is limited by identity of suspected perpetrator;
- (ii) the state of mind required to activate the reporting duty;
- (iii) whether the duty is limited to cases where a certain level of harm is suspected;
- (iv) whether the duty applies only to suspected past and presently occurring cases, or if it also applies to suspected risk of future abuse;
- (v) to whom the teacher must report;
- (vi) the Principal's obligation on receiving a report from a teacher; and
- (vii) whether the teacher's identity is protected

As well, it is useful to compare these features as they are treated in policy and legislation respectively.

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Queensland Catholic Education Commission (*Manual – Student Protection: Creating Student Safety in Communities of Care*, copy on file with authors).

<sup>92</sup> Bathurst, Broken Bay, Canberra, Lismore, Maitland-Newcastle, Parramatta, Sydney, Wagga Wagga, Wilcannia-Forbes, Wollongong; copies on file with authors.

<sup>93</sup> Catholic Education Commission of Western Australia (2002) 'Procedures For The Identification And Notification Of Child Abuse And Neglect', copy on file with authors.

<sup>94</sup> Since Queensland's provision only applies to sexual abuse by school employees, who are a tiny subset of offenders.

<sup>95</sup> Ben Mathews et al, 'Teachers' Policy-Based Duties to Report Child Sexual Abuse: A Comparative Study' (2008) 13(2) *Australia and New Zealand Journal of Law and Education* 23.

**Table B2: Policy-based reporting duties imposed on teachers regarding suspected child sexual abuse: comparative depiction of key features of the reporting duty**

	QGS Policy	QNGS Policy	Qld Legislation	NSWGS Policy	NSWNGS Policy	NSW Legislation	WAGS Policy	WANGS Policy	New WA Legislation
<b>Identity of perpetrator:</b> Does a teacher have to report suspected CSA regardless of who the perpetrator might be?	Yes	Yes	No: only report if suspected perpetrator is a school staff member	Yes	Yes	Yes	Yes	Yes	Yes
<b>State of mind:</b> What state of mind activates the reporting duty?	Reasonable suspicion	Reasonable suspicion	Reasonable suspicion	Reasonable suspicion	Reasonable suspicion	Reasonable suspicion	A concern	A concern or reasonable suspicion	Belief on reasonable grounds
<b>Extent of harm:</b> Does a teacher only have to report when he/she thinks the child is suffering/is at risk of significant harm?	Yes, only if significant harm <sup>1</sup>	Yes, only if significant harm	No - must report all cases	Only when concerned for the child's welfare	Only when concerned for the child's welfare	only when concerned for the child's welfare	Yes, only if significant harm	No - must report all cases	No - must report all cases
<b>Past/present/future:</b> Does the duty to report apply only to suspected past and present abuse, or also to suspected risk of future abuse?	Applies also to suspected risk of future abuse	Applies also to suspected risk of future abuse	Applies only to suspected past abuse	Applies also to suspected risk of future abuse	Applies also to suspected risk of future abuse	Applies also to suspected risk of future abuse	Applies only to suspected past abuse <sup>2</sup>	Applies only to suspected past abuse	Applies only to suspected past abuse
<b>Report destination:</b> To whom does the teacher generally submit the report?	Principal	Principal, or director, school's governing body	QGS: Principal or their supervisor; QNGS: Principal, or director, school's governing body	School Principal or executive officer	School Principal or executive officer <sup>3</sup>	Dept of Community Services	Principal or District director	Principal or Principal's supervisor	CEO or a person approved by the CEO
<b>Principal's obligation:</b> On receiving a teacher's report, is the Principal required to forward it even if not personally suspecting CSA?	No: must only report if Principal reasonably suspects CSA <sup>4</sup>	No: must only report if Principal reasonably suspects CSA	Yes	Yes	Generally, yes <sup>5</sup>	n/a	Yes	Yes <sup>6</sup>	n/a
<b>Identity protection:</b> Is the teacher's identity protected from disclosure?	Yes <sup>7</sup>	Yes	Yes <sup>8</sup>	Yes	Yes	Yes	No	Yes	Yes

1. This is ambiguous as under the policy, 'harm' is defined both 'as', and to 'include', significant harm; it is not defined solely 'as' significant harm. So, the better view is that the duty is limited only to significant harm, as the definition section in *SMS-PR-012: Student Protection* defines 'harm' as significant detriment; a fact sheet repeats this definition.

2. While ambiguous, this is the better view due to the following statements in the Govt of WA Dept of Education and Training *Child Protection* policy: 2.2: '...this document explains the actions to be taken by staff to protect children in circumstances where maltreatment is suspected or when allegations of child maltreatment are made...'; '2.4.1. definition of 'child protection concern': 'a child protection concern may arise from any action which is inconsistent with the care and protection of a child...may include sexual abuse...may involve repeated or persistent maltreatment, or it may arise from a single incident. It may be observed evidence of risk or indicators...'; 2.4.2 definition of 'maltreatment': 'maltreatment refers to when a child has been subjected to sexual abuse, the severity and/or persistence of which has resulted in or is likely to result in significant harm'.
3. But in Wilcannia the policy directs teachers to report straight to DoCS.
4. Under the new policy, technically the *employee* (not the principal) has the onus to forward this report; but the reporting duty only applies if the principal reasonably suspects the child has been harmed or is at risk of harm, and the principal must sign the report form.
5. But not in the following four dioceses, where the Principal has discretion: Maitland-Newcastle, Parramatta, Wagga Wagga, Wollongong.
6. While ambiguous, this is the better view. The Catholic Education Commission of WA: Child Abuse policy, 'Procedures For The Identification And Notification Of Child Abuse And Neglect' states on p 8 that 'Where there is a disclosure of child abuse or strong concerns about the well-being of a child, the teacher or staff members involved must report the matter to the Principal. On receipt of this report, the Principal must: inform the Coordinator, Employee and Community Relations, at the Catholic Education Office; report the matter the Family and Children's Services.' However, on p 10, the policy states the following: 'In the situation where a teacher suspects a student is being abused/neglected the teacher should discuss their suspicions with the Principal who will then discuss the matter with the school social worker/psychologist or the Coordinator, Employee and Community Relations, at the Catholic Education Office prior to making the choice of reporting the matter or not'. Yet, these details are placed in the general context of duty of care principles, so may be of less weight than the previous instructions.
7. Better view is that yes, identity is protected via the policy (under the Records Management link, and Legal Action link), even though not explicit.
8. Better view is that yes, identity is protected by Child Protection Act 1999 (Qld) s 186, even though this is not mentioned in EGPA.

## **B 2.3 Major legal, theoretical and practical issues presented by the policy-based reporting duties, and recommendations for reform**

### **General comments**

Before identifying findings and making recommendations by State and sector, it is worth observing that it is encouraging that nearly all school groups in the sample had a reporting policy, and that in New South Wales (and now, in Western Australia), the level of consistency between State policy and State legislation was generally reasonably high.

### **Presence or absence of policy**

Yet, before proceeding, it is necessary to point out that one non-government authority included in our sample did not have a policy for the reporting of child sexual abuse. The first recommendation in this regard then relates to the desirability of having a school policy about the reporting of child sexual abuse.

#### ***NSW Recommendation 2; QLD Recommendation 3; WA Recommendation 3***

Any non-government school group not yet having a policy should immediately develop one. In general, such a policy may be quite sound even if it does little more than reproduce the State's legislative approach.

### **Observations according to the seven key features**

#### ***1 Whether duty is limited by identity of suspected perpetrator***

All policies required reports of suspected child sexual abuse regardless of the identity of the perpetrator. This was the case even in Queensland, thus making the policy obligation in Queensland different from its legislation, and in a justifiable sense.

The strong and sound policy situation in Queensland requiring reports of all suspected sexual abuse regardless of the identity of the suspected perpetrator adds further weight to the recommendation to amend Queensland's restricted reporting legislation.

No further recommendations are necessary regarding this feature of the policies.

#### ***2 State of mind required to activate the duty to report***

All NSW and Queensland policies required reports of suspected child sexual abuse when the teacher possessed a 'reasonable suspicion' of child sexual abuse. Both WA policies used the term 'a concern', which is not used anywhere else, but is probably synonymous with the concept of reasonable suspicion. This is further suggested by the fact that the WA non-government policy uses the term 'a concern or reasonable suspicion'. It can be noted that the new WA legislation uses the concept of belief on reasonable grounds.

Provided teachers are informed in training of the necessary state of mind, there are probably no legal, theoretical or practical issues arising from these slight differences in wording. Should the opportunity arise to harmonise WA policy with its legislation, then it would appear most sound to replace the concept of 'a concern' with 'reasonable suspicion' or 'belief on reasonable grounds' to harmonise policy with legislation in that State.

Apart from this suggestion, no further recommendations are necessary regarding this feature of the policies.

#### **WA Recommendation 4**

Western Australian policy in each sector should replace the term ‘a concern’ (WAGS) and ‘a concern or reasonable suspicion’ (WANGS), with ‘belief on reasonable grounds’ to harmonise the state of mind required across policy and legislation.

Alternatively, WA legislation and policy should be amended to use the term ‘reasonable suspicion’ in all three documents.

### **3 Whether reporting duty is limited to cases where a certain level of harm is suspected**

Three different approaches were apparent regarding this feature.

First, Western Australian non-government school policy was the only policy that clearly required reports of suspected child sexual abuse regardless of the extent of harm suspected.

Second, and in contrast, policy in Western Australian government schools, and in both Queensland sectors, only activates the reporting duty when the teacher suspects the harm caused or likely to be caused to the child is ‘significant’. Third, and similar to the second approach in that it also implies that some degree of calculation of harm to the child is necessary, both New South Wales government and non-government policies only required reports when the teacher was ‘concerned for the child’s welfare’.

It is likely that the intuitively unsound incorporation of a calculus of harm in deliberations of suspected sexual abuse cases is simply a product of applying the approach used in reporting of other forms of child abuse. Some incidents of these other forms of ‘abuse’ (eg psychological abuse, and neglect), may indeed cause ‘trivial’, ‘minimal’, or ‘insignificant’ consequences, and are not the intended goal of reporting laws and policies. This explains why there are legislative definitions of reportable ‘harm’ which define ‘harm’ as ‘significant’ harm (or in synonymous terms) for all types of abuse including sexual abuse. It is understandable that policy has simply reproduced this approach in the reporting of sexual abuse. However, as a class of child maltreatment, sexual abuse is conceptually different from physical abuse, psychological abuse and neglect. Accordingly, it is a flawed approach in either legislation or policy to apply the qualification of ‘significant’ harm to the category of reportable sexual abuse.

The second and third approaches are:

- theoretically unsound because:
  - acts of sexual abuse are criminal acts, and are virtually always significantly harmful to a child and should arouse concern for the child’s welfare;
  - it allows the possibility of failure to report (and thus failing to protect a child) based on an inaccurate assessment of harm to a child caused by sexual abuse;
- legally unsound because:
  - failure to report suspected child sexual abuse will produce liability in negligence if the child continues to suffer abuse and damage;
  - in WA, they are inconsistent with the new legislation; and
- practically unsound because:
  - it adds another element of decisionmaking for the teacher;
  - it may be confusing for the teacher in WA who under the legislation has to report without needing to consider the extent of harm.

#### **NSW Recommendation 3; QLD Recommendation 4; WA Recommendation 5**

Policies in both New South Wales sectors, both Queensland sectors, and the WA government sector, should be amended to require the teacher to report all suspected sexual abuse, without limiting the reporting requirement to cases of suspected ‘significant’ harm to the child or cases where the teacher is ‘concerned for the child’s welfare’.

#### **4      *Whether reporting duty applies only to suspected past and presently occurring cases, or if it also applies to suspected risk of future abuse***

Policies in Queensland and New South Wales, in both government and non-government sectors, require teachers to report not only suspicions of past and presently occurring sexual abuse, but also suspicions of risk of future sexual abuse that may not have happened yet. This is a sound approach, in keeping with the primary aim of child protection systems to prevent abuse happening before it actually does, rather than only responding after the event. This approach is also consistent with the NSW legislation, and with Queensland's legislative approach in its broader mandatory reporting laws applying to doctors and nurses.<sup>96</sup>

##### *Western Australia's duty limited to past or current abuse*

In contrast, policies in Western Australia, in both government and non-government sectors, restrict the reporting duty to suspected past or presently-occurring abuse. This does not require teachers to report suspected risk of sexual abuse that has not occurred yet. While this is consistent with the new WA legislation, this approach is:

- theoretically unsound because:
  - it fails to require truly preventative reports, hence failing to protect children from sexual abuse that has not yet occurred but which may be highly likely to occur;
  - it differs from policy in NSW and Queensland schools, creating a situation of inequality for children based on where they live;
- legally unsound because it may breach a teacher's duty of care, thus incurring liability in negligence, in circumstances where a child may not have been abused, but there is evidence sufficient to inform an understanding that it is likely to happen.

##### **WA Recommendation 6**

Policies in Western Australia, in both government and non-government sectors, should be amended to also require reports of suspected child sexual abuse that has not happened yet, where there are reasonable grounds to suspect that it is likely to happen.

#### **5      *To whom is the teacher required to report?***

This aspect of the reporting policy interacts with the one treated in the next section concerning the Principal's obligation on receiving a report. There were four different approaches regarding this feature of to whom the teacher submits the report, with most involving the school principal:

- (a) teacher reports directly to government department - Principal not involved (used in one NSW non-government diocese);
- (b) teacher reports to Principal (used in all government sectors, and all but one non-government authority) and:
  - a. Principal must forward report (NSWGS, WAGS, WANGS, and 6 of 11 NSWNGS dioceses in the sample);
  - b. Principal has discretion whether to forward the report (4 of 11 NSWNGS dioceses in the sample, and all five QNGS dioceses in the sample); or
  - c. Teacher must forward report after securing Principal's agreement about the soundness of the suspicion, and the Principal's signature (only in QGS).

The issue of who the teacher should report to is largely a practical one, although it can have theoretical and legal implications. The optimal approach, (with one exception, only applying in Queensland, and only for cases where the suspected perpetrator is a school employee), is for the teacher to report directly to the government department to avoid the undesirable situation of a Principal failing to convey the teacher's report. In a situation where a teacher's suspicion is correct, but the report is prevented by the principal from reaching the appropriate authorities, or even is simply delayed, then there are:

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<sup>96</sup> *Public Health Act 2005* (Qld) s 191(1)(a).

- theoretical and practical problems because the child (and possibly other children) will not be adequately protected and will be left vulnerable to further abuse; and
- legal implications because the school authority will be liable in negligence for subsequent abuse and harm, and there will be liability for breach of statutory duty.

After detailed analysis,<sup>97</sup> and after considering views expressed to the contrary by some school stakeholders, the authors have concluded that the optimal approach is for policy to require teachers to first notify the principal of their intention to report (wherever possible), and to report directly to the relevant Department. This approach has the following benefits:

- ensures the report reaches the government authority, thus promoting child protection;
- avoids the possibility, however slight, of delayed reporting;
- avoids the possibility, however slight, of the Principal not forwarding the report, whether through inadvertence, disagreement with the teacher, or any other reason;
- still requires the Principal to be informed before the report is actually submitted, so that:
  - the Principal can avoid unnecessary duplicate reports where the child has already been the subject of appropriate and sufficient reports;
  - the teacher and other staff can be supported;
  - the child can be supported;
  - the child's family can be supported; and
  - if in the Principal's view, the teacher's intention to report is clearly without any reasonable basis, the Principal can add this information to the report.

However, the one exception to this applies in Queensland, and only in cases where the suspected perpetrator is a school employee. In this group of cases, the policy should be consistent with the legislation. This means that *for this type of case only*, and only in Queensland, the sound policy approach is:

- to require the teacher to report to the Principal; and
- to require the Principal to forward the report immediately.

Therefore, our recommendations regarding this policy feature, for all cases except those where the suspected perpetrator is a school employee, are as follows:

***NSW Recommendation 4; QLD Recommendation 5; WA Recommendation 7***  
***Primary preferred approach***

Policy should require teachers to notify the principal of their intention to make a report, but the teacher should then report directly to the relevant Department.

Therefore, if this approach is preferred, the policies in all sectors and authorities (apart from Wilcannia) need to be amended accordingly.

However, if this approach is undesirable for school authorities in any sector, and if the Principal is to remain the first destination of a teacher's report, then the authors are of the view that any report made by a teacher to a Principal should be forwarded by the Principal to the relevant government authority. If a Principal has reservations about the teacher's grounds for suspicion, then the Principal may choose to add that information when the report is made. However, a Principal should not have the discretionary power to prevent the submission of a teacher's report.

***Secondary preferred approach***

If policy requires the teacher to make the report to the Principal, then the Principal should be required to forward the report to the relevant government authority, and does not have discretionary power to choose whether or not to forward the report.

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<sup>97</sup> For detailed discussion of this issue, see Mathews et al, above n 95, 39-42.

This is the current approach in NSWGS, WAGS, and 6 of the 11 NSW dioceses. Therefore, if this approach is preferred, the policies in the following sectors and authorities need to be amended accordingly:

- QGS;
- QNGS;
- 4 out of the 11 dioceses in NSW<sup>98</sup> (and by extension, any other dioceses in NSW which currently confer discretion on a Principal);
- In addition, the currently ambiguous WANGS policy needs to be refined so that it clearly states the Principal must forward the report.

## **6 Principals' obligations on receiving a report from a teacher**

There were four different approaches regarding this feature:

- i. teacher reports directly to government department - Principal informed but not involved (used in one NSW non-government diocese);
- ii. teacher reports to Principal - and principal **must** forward the teacher's report immediately (used in NSW and WA government schools, WA non-government schools and six of the 11 NSW non-government dioceses);
- iii. teacher reports to principal - and principal does **not** have to forward the report unless sharing the teacher's suspicion or accepting that the teacher's suspicion is sufficiently sound to warrant making the report – principal thus has **discretion** whether or not to forward the report (used in 4 out of the 11 dioceses in NSW, and all five Queensland non-government dioceses in the sample);
- iv. teacher reports to principal - the *teacher* has the onus to forward the report, but here the principal must also reasonably suspect the child has been harmed or is at risk of harm, and the principal must sign the reporting form (used in QGS).

The authors have concluded<sup>99</sup> that the best approach (apart from the exception noted above in Queensland where the suspected perpetrator is a school employee) is to require the teacher to report directly to the Department, but to first inform the Principal of the report and provide the Principal with a copy of the report (so the Principal can remain apprised of the situation, offer appropriate assistance to the teacher(s), child and family, and avoid unnecessary duplicate reports). This approach is recommended as being the most practically sound, avoiding the risk of a Principal failing to forward the report (whether out of conscious disagreement with the teacher's suspicion, or out of unintentional omission).

The only exception to this, as noted above, is in those cases in Queensland only where the teacher suspects a perpetrator who is a school employee. In this case, to ensure Queensland policy is consistent with legislation, the policy should:

- require the teacher to report to the Principal; and
- require the Principal to forward the report immediately.

Therefore, our recommendations regarding this policy feature are as follows:

### ***Complementary note to Recommendation noted above:***

#### ***Primary preferred approach***

All policies should adopt approach (i); that is, requiring reports to be made by the teacher directly to the government department, while first informing the Principal of the situation and grounds for suspicion.

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<sup>98</sup> Maitland-Newcastle, Parramatta, Wagga Wagga and Wollongong. Wilcannia requires teachers to report to DoCS, and this approach could be preserved. Alternatively, a unified approach across the Catholic sector may be desirable.

<sup>99</sup> For detailed discussion of this issue, see Mathews et al, above n 95, 42-43.



Therefore, if this approach is preferred, the policies in all sectors and authorities need to be amended accordingly, apart from the one NSW diocese currently adopting this approach (Wilcannia).

However, if this approach is undesirable for school authorities in any sector, and if the Principal is to remain a step in the reporting chain, then the authors are of the view that any report made by a teacher to a Principal should be forwarded. If a Principal has reservations about the teacher's grounds for suspicion, then the Principal may choose to add that information when the report is made. However, a Principal should not have the power to prevent the submission of a teacher's report.

***Complementary note to Recommendation noted above:***

***Secondary preferred approach***

All policies should adopt approach (ii); that is, requiring reports to be made by the teacher to the Principal, *and* requiring the principal to forward the report.

This is the current approach in NSWGS, WAGS, and while only adopted by 6 of the 11 NSW dioceses in our study is recommended by the NSW *Memorandum of Understanding between the Department of Community Services, the Department of Education and Training (DET), the Catholic Education Commission (CEC), and the Association of Independent Schools (AIS)*, on 'Mandatory Reporting for the Education Sector'.

Therefore, if this approach is preferred, the policies in the following sectors and authorities need to be amended accordingly:

- QGS;
- QNGS;
- 5 out of the 11 dioceses in NSW (and by extension, any other dioceses in NSW which currently confer discretion on a Principal);
- In addition, the currently ambiguous WANGS policy needs to be refined so that it clearly states the Principal must forward the report.

**7 *Does the policy protect the teacher's identity from disclosure?***

Protection of the reporter's identity is an important element of policy and legislation because it helps to assure reporters they will not be vulnerable to reprisals after making a report. This protection is known to encourage reporters to make reports in practice, whereas the absence of such protection is known to effectively deter reporters from complying with their reporting duty. Legislative protection of the teacher's identity is now present in each of the three States; however, it remains important for teachers to be reassured in the policy and training that their identity is protected to the greatest extent possible.

Clear protection of the disclosure of the reporter's identity was a feature only of the policies in both New South Wales sectors and in the Western Australian non-government policy. Neither the Western Australian government school policy, nor policies in the Queensland sectors, included an explicit statement about the protection of the reporter's identity (although separate but related Queensland documents appear to contain such a protection: but this is unsatisfactory since teachers would not easily be able to locate these). This is practically unsound because it can deter teachers from reporting.

As well, our survey found that fear of retaliation was a factor relevant to teachers' past failure to report suspicions of sexual abuse. This fear should be significantly reduced by reassuring teachers that their identity as reporters is kept confidential. Therefore, policies (and practice) should include this element.

***QLD Recommendation 6; WA Recommendation 8***

Policies in the Western Australian government sector and both Queensland sectors should expressly inform teachers that the identity of any teacher who makes a report is protected from disclosure, both under legislation and policy.

## PART C: FINDINGS REGARDING GOVERNMENT DATA ON TEACHER REPORTING

### C 1 Introduction

Albeit at different times, all Australian State and Territory governments have enacted mandatory reporting laws to enhance identification of cases of child sexual abuse. New South Wales has had its provision since 1987, Queensland enacted its law in 2004, and Western Australia most recently commenced its legislation in 2009. These legislative developments indicate the seriousness with which governments treat child abuse, and give Parliament's imprimatur to the principle of mandatory reporting. In addition, the teaching profession, in both government and non-government sectors, has almost universally implemented policies which require its teachers to report suspected child sexual abuse.

These legislative and professional policy strategies are a central plank of child protection efforts, which also serve to protect individual teachers and their employers from legal liability. Previously in this report we have noted that some commentators have criticised these laws. However, these critics have met strong responses from other commentators, and it is strongly arguable that in the case of child sexual abuse, there are particularly compelling arguments for both the reporting laws and industry-based reporting policy requirements.<sup>100</sup>

#### ***Statistical picture of teachers' reporting of suspected child sexual abuse***

In this part of the report, we present a statistical picture in New South Wales, Queensland and Western Australia of reports by primary school teachers of suspected child sexual abuse regarding children aged 5-12. This statistical picture has not been generated previously, and this has meant that the actual, real-life reporting practice of teachers, and the outcomes of their reports, has not been thoroughly understood.

At all times, we recognised that classifications of the data are not strictly comparable between States, due to differences in how States deal with reports of suspected child sexual abuse, and of how those reports are investigated, substantiated, and the like. Nevertheless, it was still thought desirable to obtain and present the data. Developing this picture of teachers' reporting practice in each State is useful because:

- it depicts in each State for the first time a descriptive statistical picture of teachers' reports of suspected child sexual abuse, and the outcomes of those reports;
- it indicates the contribution teachers' reporting makes to protecting children from sexual abuse;
- it provides insight into whether reporting outcomes are different when a State has legislative as well as policy-based reporting duties, as opposed to when a State has only a policy-based reporting duty;
- it provides insight into whether mandatory reporting laws and policies lead to intolerable increases in unsubstantiated reports;
- it enables us to chart reporting practice over time within a State;
- it enables us to discern any outstanding indications and trends in reporting practice within and across States: to identify any results suggesting 'outlier' phenomena (results that are far beyond what might reasonably be expected), or which may indicate systemic issues in the reporting by teachers of suspected child sexual abuse (either failure to report, overreporting, or both).

So, this section of the report provides insights, within and across the three States in the study, into the following questions:

- (1) How many substantiated cases of child sexual abuse were there, for all children, and for children aged 5-12, resulting from reports by any type of reporter?
- (2) How many reports were made by teachers of suspected sexual abuse of children aged 5-12?
- (3) How many reports by teachers of suspected sexual abuse of children aged 5-12 were substantiated?
- (4) How many reports by teachers of suspected sexual abuse of children aged 5-12 were unsubstantiated?
- (5) Are there any outstanding indications or trends regarding teacher reporting within or across States?

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<sup>100</sup> See sources referred to above, n 40-43.

During the entire period of data collected there were not strong (or any) legislative reporting requirements in Queensland and Western Australia. However, there were still requirements to report based in policy, and sourced in common law, and ethical duties. As points of departure we deemed it reasonable to propose that:

- (a) a teacher should not fail to report knowledge or suspicion that a child is being sexually abused, for reasons including child protection, fulfilling professional ethics, avoiding legal liability, and conforming with law and policy; and
- (b) a teacher should avoid making a report that is clearly not warranted, for reasons including concerns to avoid wasting government resources, and to avoid the possibility of causing unnecessary distress (and/or harm) to the child, the child's family and those upon whom suspicion of abuse may fall.

### ***Which data was sought and accessed***

This study explored primary school teachers' reports of suspected child sexual abuse. As well, it had a preventative focus, and was cognisant of the fact that the large majority of child sexual abuse involves an event or events which begin when a child is aged in this age range. Accordingly, we sought data for reports regarding suspected sexual abuse of children in the age group of 5-12 years inclusive.

Some data was accessed from publicly available reports, such as the *Child Protection* reports from the Australian Institute of Health and Welfare. However, the data in publicly available reports did not provide answers to many of the research questions we posed. So, expressly for the purpose of this study, we also sought far more detailed data from government child protection departments in each of the three States.

This data was sought over a three year period, to enable a more representative picture to be drawn. As well, we were conscious of the fact that government agencies change their recording practices and that data may have been unavailable for some years. Each department provided data, although the years differed, and data for some years was unable to be used due to it being incomplete. We were provided with data that was sufficiently complete to use, as follows:

- New South Wales: 2004/05; 2005/06; 2006/07; 2007/08
- Queensland: 2003/04; 2004/05; 2005/06
- Western Australia: 2003/04; 2004/05; 2005/06; 2006/07

### ***Differences between State populations of children aged 5-12***

Before proceeding, it needs to be noted that the three States have different populations of children aged 5-12. So, while **rates** of reports and substantiations (eg, per 1000 children) can be explored with a higher degree of comparability, **pure numbers** of reports and substantiations need to be considered in the context of these different population numbers. In sum:

- Queensland had a population of 5-12 year olds almost exactly double that of Western Australia;
- New South Wales had roughly 1.6 times the population of 5-12 year olds as Queensland; and
- New South Wales had roughly 3.25 times the population of 5-12 year olds as Western Australia.

**Table C1: Numbers of children aged 5-12 in New South Wales, Queensland and Western Australia<sup>101</sup>**

State	June 2003	June 2004	June 2005	June 2006	June 2007	June 2008
NSW	722,943	718,014	715,391	712,935	710,599	708,408
QLD	435,107	439,227	443,651	448,852	453,459	456,517
WA	218,160	218,744	219,480	221,491	223,373	225,199

<sup>101</sup> Australian Bureau of Statistics, 3201.0 - *Population by Age and Sex, Australian States and Territories, Jun 2008* - Revised Version, released 20 March 2009, <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3201.0Jun%202008?OpenDocument>

## C 2 Substantiated cases of child sexual abuse: reports by all reporters

To provide some background context, it is useful to identify the numbers of substantiated cases of child sexual abuse in each State over a period of several years. These are substantiated cases which are the result of reports by any type of reporter, whether or not mandated to report by law or policy. Data is provided for all children, and then for children aged 5-12.

### All children

Over a five year period, within each of the three States, there were similar numbers of substantiated cases of sexual abuse for children aged 0-17 inclusive, with some exceptions. The data show slightly increased numbers of children in substantiated cases across a four year period in NSW and across a five year period in Western Australia, and decreased numbers of children in substantiated cases across a five year period in Queensland.

**Table C2: Numbers of distinct children aged 0-17 in substantiated notifications of sexual abuse, 2003/04-2007/08: from reports by all reporters<sup>102</sup>**

State	2003/04	2004/05	2005/06	2006/07	2007/08
NSW	N/A	1,629	1,914	2,023	1,982
QLD	825	800	641	591	576
WA	228	228	196	217	253
<b>Total 3 States</b>	N/A	2657	2751	2,831	2811

### Children aged 5-12

The three States in this study could provide data about the numbers of **substantiated notifications** of child sexual abuse of children aged 5-12. However, they could not provide information about the numbers of **distinct children** in this age bracket who were found to be abused. Some children are the subject of more than one notification, so it is possible for more than one notification regarding the same child to be 'substantiated'. It is reasonable to assume that the figures below do not represent individual children, although based on annual national incidence of roughly 3500,<sup>103</sup> the overestimate is not dramatic.

**Table C3: Numbers of substantiated reports of sexual abuse of children aged 5-12: from reports by all reporters**

State	2003/04	2004/05	2005/06	2006/07	2007/08	Annual average
NSW	N/A	1078	1506	1861	1789	<b>1558</b>
QLD	985	900	707	N/A	N/A	<b>864</b>
WA	178	205	176	178	N/A	<b>184</b>
<b>Total 3 States</b>	N/A	2183	2389	N/A	N/A	

### Cross-State snapshot

Based on State population ratios, the annual averages show that Western Australia appears to generate far fewer substantiated reports of child sexual abuse than Queensland (1 : 4.69) and New South Wales (1 : 8.46). That is, for every substantiated report of child sexual abuse in Western Australia, there is 4.69 in Queensland and 8.46 in New South Wales. This is a higher rate of difference than might be expected due to population difference (where one might expect Queensland to have double Western Australia's numbers, and New South Wales to have 3.25 times Western Australia's numbers).

<sup>102</sup> These data were obtained from publicly available reports: Australian Institute of Health and Welfare, *Child Protection Australia* reports 2003/04 to 2007/08, above n 1, except for the Queensland 2006/07 figure which was obtained from a data table on the Queensland Department of Child Safety website, at: <http://www.childsafety.qld.gov.au/performance/child-protection/documents/investigations-subs-6.xls>.

<sup>103</sup> See above, Part A 4.1.

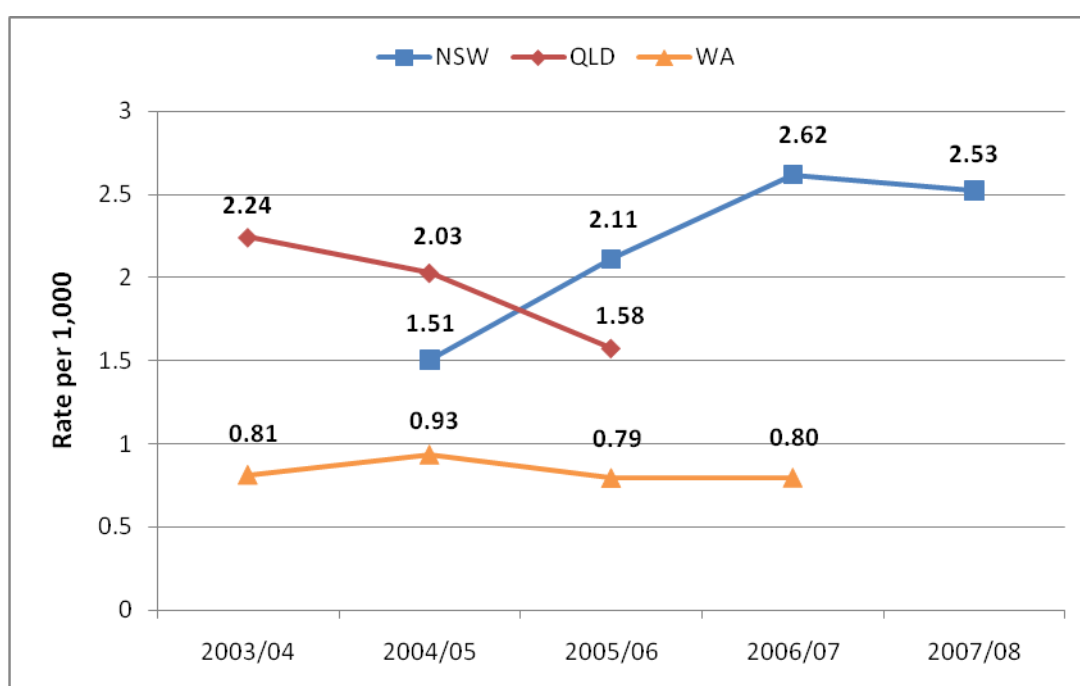
- Therefore, assuming all other conditions are roughly equal (including the incidence of child sexual abuse), then these differences suggest **Western Australia is identifying significantly fewer cases of child sexual abuse than the other two States.**

Queensland appears to generate slightly fewer substantiated reports of child sexual abuse than New South Wales (1 : 1.8). That is, for every substantiated report of child sexual abuse in Queensland, there is 1.8 in New South Wales. This is a slightly lower rate than New South Wales, whose population is 1.6 times that of Queensland.

- Therefore, assuming all other conditions are roughly equal (including the incidence of child sexual abuse), then these differences suggest **Queensland is identifying slightly fewer cases than New South Wales.**

#### *Rates of substantiated cases*

Represented as a rate per 1000 children, using population data, the data indicate higher rates of substantiated child sexual abuse in New South Wales, followed by Queensland and Western Australia.



**Figure C1: Rate of substantiated cases of child sexual abuse per 1000 children, aged 5-12**

### **C 3 Reports by teachers of suspected sexual abuse of children aged 5-12**

To explore teachers' reporting practice and outcomes, it is necessary to identify how many reports of suspected sexual abuse are made by teachers. It is also necessary to identify how many distinct children are the subjects of those reports, since a teacher or teachers may make more than one report about the same child.

#### **Total numbers of reports**

Data shows that teachers make significant numbers of reports of suspected child sexual abuse.

- In New South Wales, over a 4 year period (2004/05-2007/08), teachers made **7114** reports.
- In Queensland, over a 3 year period (2003/04-2005/06), teachers made **1131** reports.
- In Western Australia, over a 4 year period (2003/04-2006/07), teachers made **349** reports.

### ***Total reports over a close three year period***

The total numbers of reports made by teachers over a close three year period can be indicated in each State. Complete data was not available for the same three year period but it was available for periods close to each other (2004/05-2006/07 in New South Wales and Western Australia, and 2003/04-2005/06 in Queensland):

- New South Wales: 5361
- Queensland: 1131
- Western Australia: 294.

***Table C4: Total numbers of reports by teachers of sexual abuse of children aged 5-12, 2003/04-2007/08***

State	2003/04	2004/05	2005/06	2006/07	2007/08	Annual average	Total 3-year period
NSW	N/A	1760	1680	1921	1753	<b>1778</b>	5361
QLD	339	423	369	N/A	N/A	<b>377</b>	1131
WA	55	75	82	137	N/A	<b>87</b>	294

### ***Distinct children in reports over a close three year period***

A teacher or teachers may make more than one report regarding the same child. Duplicate reports regarding the same child may be made for several reasons. If made by the same teacher, reasons may include fear that an initial report has resulted in no response or an insufficient response, or that the child's situation has worsened over time. If made by more than one teacher, the key reason is probably lack of awareness that another person has made a report.

Duplicate reports should not simply be viewed as 'overreporting', as they may be entirely warranted in the circumstances. However, to use total numbers of reports when examining reporting practice and outcomes can be misleading, because in any given jurisdiction over one year, there can be hundreds of duplicate reports, which may well reflect systemic reporting and response issues rather than problems in the individual teacher's reporting practice. Therefore, **numbers of distinct children** who are the subject of reports may be a more reliable guide to reporting practice than total numbers of reports. It can be further observed that some jurisdictions appear to have different systems of recording reports so that these differences are minimised (see for example WA, which has nearly no difference).

Therefore, a summary of the numbers of distinct children the subject of reports provides useful insights into reporting practice. Data available for the three year periods close to each other (2004/05-2006/07 in New South Wales and Western Australia, and 2003/04-2005/06 in Queensland) shows the numbers of children the subject of reports, which is lower than the total numbers of reports referred to above:

- New South Wales: 4136
- Queensland: 1010
- Western Australia: 293.

In sum, for the three year period:

- in New South Wales, there were 5361 reports regarding **4136** distinct children;
- in Queensland, there were 1131 reports regarding **1010** distinct children; and
- in Western Australia, there were 294 reports regarding **293** distinct children.

**Table C5: Numbers of distinct children aged 5-12 in reports by teachers of child sexual abuse, 2003/04-2007/08**

State	2003/04	2004/05	2005/06	2006/07	2007/08	Annual average	Total 3-year period
NSW	N/A	1387	1300	1449	1327	1366	4136
QLD	305	379	326	N/A	N/A	336	1010
WA	52	75	81	137	N/A	86	293

### **Cross-State snapshot**

Based on State population ratios, using the distinct children figures, Western Australia appears to generate fewer reports of sexual abuse of a child from teachers' reports than Queensland (1 : 3.44) and far fewer than New South Wales (1 : 14.11). Queensland appears to generate fewer reports of child sexual abuse than New South Wales (1 : 4.09).

That is, for every report of child sexual abuse in Western Australia, there is 3.44 in Queensland and 14.11 in New South Wales. At this point, before looking at the outcomes of these reports (which we will do shortly), it is not possible to make any suggestions about these differences. However, it can be noted that **the particularly notable figure is that in New South Wales** which may indicate a greater readiness to report or a lower threshold to develop a reasonable suspicion. Alternatively, or in addition, the other two States may have less readiness to report, or higher thresholds to develop a reasonable suspicion.

### **Duplicate report ratios**

It can also be noted that in New South Wales and Queensland there were interesting findings about the ratios of **duplicate reports** regarding the same child. The ratio was higher in New South Wales (1.29 reports for every 1 distinct child the subject of a report) than for Queensland (1.11 reports for every 1 distinct child the subject of a report). **This may indicate some systemic issues in New South Wales, relating to responses to reports, or to duplicate reports by teachers and principals.** In Western Australia, there was hardly any duplicate reporting, although this may reflect the system of intake in Western Australia.

### **Stability of reporting over time**

It can be noted that numbers of reports regarding distinct children are generally **stable** over time in New South Wales and Queensland. Numbers of reports in New South Wales over four years range between 1300 and 1449 with a mean of 1365. Queensland's numbers are also stable, ranging between 305 and 379 with a mean of 336. The increase in Queensland in 2004/05 may be influenced by the introduction of the reporting legislation in 2004 and associated training efforts. The data indicates that in these two States, concerns about 'overreporting' in the sense of enormous increases of notifications alone should be allayed, as such increases are not occurring.

In contrast, despite population stability, Western Australia's number of reports more than doubled in a three year period from 55 to 137, with a particularly sharp rise between 2005/06 and 2006/07. The reasons for this increase can be best judged by local authorities; however, it is most likely a function of a change in Departmental recording practice. Before 1 March 2006 there were two types of notification (*child maltreatment allegations*, and *child concern reports*). For child concern reports, the primary nature of concern was not recorded. However, from 1 March 2006, all notifications are recorded as *concerns for a child's wellbeing* and include the recording of a primary nature of concern.

## **C 4 Reports by teachers of suspected sexual abuse of children aged 5-12: substantiated cases**

These data show that teachers make a significant contribution to detection of cases of child sexual abuse.

- In New South Wales over a **4 year period**, teachers' reports resulted in **1014** cases of child sexual abuse being substantiated;

- In Queensland over a **3 year period**, teachers' reports resulted in **419** cases of child sexual abuse being substantiated;
- In Western Australia over a **4 year period**, teachers' reports resulted in **79** cases of child sexual abuse being substantiated.
- In the **two years** where complete data was available for each State (2004/05 and 2005/06), teachers' reports resulted in **776** cases of child sexual abuse being substantiated (**359** in 2004/05, and **417** in 2005/06), with:
  - **458** in New South Wales;
  - **275** in Queensland; and
  - **43** in Western Australia.

**Table C6: Number of reports by teachers of suspected sexual abuse of children aged 5-12 that were substantiated**

State	2003/04	2004/05	2005/06	2006/07	2007/08	Total	Annual average	Total 2-year period
NSW	N/A	185	273	292	264	1014	254	458
QLD	144	147	128	N/A	N/A	419	140	275
WA	14	27	16	22	N/A	79	20	43
Total	N/A	359	417	N/A	N/A	N/A	N/A	776

#### **Cross-State snapshot**

Based on State population ratios, the totals from the two year period show that Western Australia appears to generate far fewer substantiated reports of child sexual abuse from teachers' reports than Queensland (1 : 6.39) and New South Wales (1 : 10.65). That is, for every substantiated report of child sexual abuse in Western Australia, there is 6.39 in Queensland and 10.65 in New South Wales. This is a higher rate of difference than might be expected due to population difference, where one might expect Queensland to have double Western Australia's numbers, and New South Wales to have 3.25 times Western Australia's numbers.

- Therefore, assuming all other conditions are roughly equal (including the incidence of child sexual abuse), then these differences suggest **Western Australian teachers are identifying significantly fewer cases of child sexual abuse than are teachers in the other two States.**

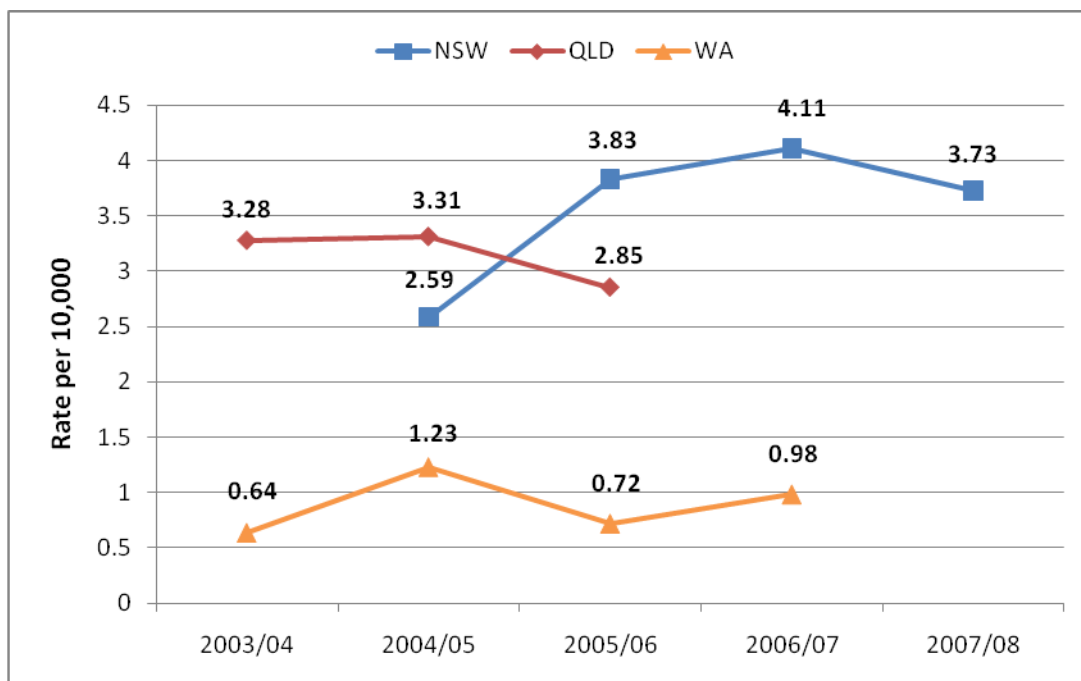
Queensland appears to generate proportionally similar substantiated reports of child sexual abuse than New South Wales (1 : 1.6). That is, for every substantiated report of child sexual abuse in Queensland, there is 1.6 in New South Wales. This is a virtually identical rate to New South Wales, whose population is 1.6 times that of Queensland.

- Therefore, assuming all other conditions are roughly equal (including the incidence of child sexual abuse), then these differences suggest **Queensland teachers are identifying a proportional amount of cases as are teachers in New South Wales.**

#### **Rates of substantiated cases of child sexual abuse reported by teachers**

Depicted as a rate per 10,000 children of substantiated cases of child sexual abuse, these data largely confirm the findings above. New South Wales, however, is shown to have a slightly higher rate than Queensland. Western Australia's rate is below the other two States.

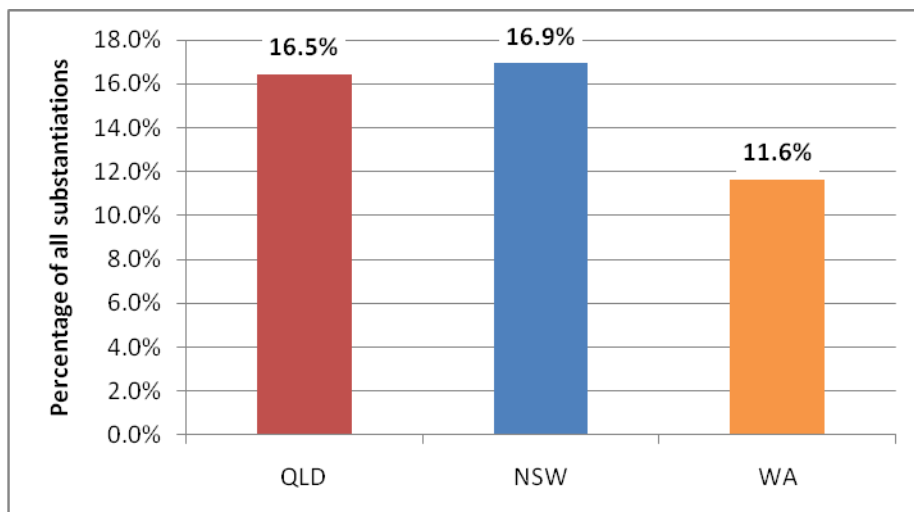




**Figure C2: Rates per 10,000 children aged 5-12 of substantiated cases of sexual abuse: from reports by teachers**

**Proportion of all substantiated cases where teachers are the source of the report, for three year period 2004/05–2006/07**

It can also be noted that in each State, teachers were the source of significant proportions of all substantiations of child sexual abuse in children aged 5-12 reported by any type of reporter. However, these proportions differed by State.



**Figure C3: Proportion of substantiated cases where teachers are the source of the report, 2004/05-2006/07**

Factors identified in this study may contribute to the lower proportion in Western Australia:

- the lack of reporting legislation;
- lower teacher knowledge of reporting policy;
- lower attitudes towards reporting;
- lower training about reporting;
- less confidence detecting indicators of child sexual abuse; and
- a higher proportion of non-government school teachers who have never suspected child sexual abuse.

While Queensland also lacks effective legislation, the belief of teachers that they are in fact required by law to report may overcome this and in practice place teachers in Queensland on a more even footing with teachers in New South Wales. In addition, Queensland teachers have been under policy-based reporting duties for many years, and this may also contribute to the similar outcome between these two States. As well, Queensland has far fewer classes of legislatively mandated reporters than New South Wales, so that the proportion of substantiated cases resulting from teachers' reports in Queensland may be elevated in comparison to New South Wales.

## **C 5 Reports by teachers of suspected sexual abuse of children aged 5-12: unsubstantiated cases**

Like all reporter groups, teachers make far more reports of suspected child sexual abuse than are substantiated. This is to be expected. Indicators of child sexual abuse are frequently consistent with other explanations, both innocent and sinister. As well, there are rarely physical indicators of the abuse, even when the abuse is penetrative. Teachers and other reporters are therefore relying on observations of the child's behaviour and presentation, any disclosure by the child, and observations of other related figures such as the child's parents and caregivers, and the child's siblings and friends.

Therefore, when exploring the rates at which reports of suspected child sexual abuse are substantiated, it is important not to have unrealistic expectations about how high those rates should be. In addition, it must be noted that it is not possible to arrive at a true 'substantiation' figure. It is important to be aware of several factors in this context which mean that a report of suspected abuse, which turns out not to be substantiated, may still be a completely justified report, and that some 'unsubstantiated' reports do involve cases of abuse. This is because:

- a report about a child can be unsubstantiated, but the child may actually have been abused; there is simply insufficient evidence to prove the abuse to the required standard;
- an unsubstantiated report may involve conduct falling short of sexual abuse, but which is a precursor to it, and the report enables intervention to prevent more serious abuse;
- an unsubstantiated report may involve risk of future abuse that has not happened yet, enabling preventative intervention;
- an unsubstantiated report may involve another type of abuse such as emotional abuse; and
- even if no abuse is present, or at risk of happening in future, there may have been sufficient grounds justifying the teacher's development of a reasonable suspicion of abuse.

As well, it is important to note that reports can be dealt with in a number of ways by the government agency. This means that a report about a child:

- may simply be added to an existing file if it is about a child whose case is already known to the department, and may not be investigated (and hence will not be able to be counted as a substantiation) – this often happens when more than one report is made about the same child (whether by the same reporter or by different reporters); or
- may result in the child's case being referred to other helping agencies.

However, one of the purposes for seeking this data was to see if there were clearly indicated patterns of unjustified overreporting. So, for example, if the data indicated far higher than reasonable numbers of reports that were unsubstantiated, or extremely low substantiation rates of reports by teachers, than that may be cause for concern.

While there are differences in how the government departments in the three States deal with reports, in general, a report will be either:

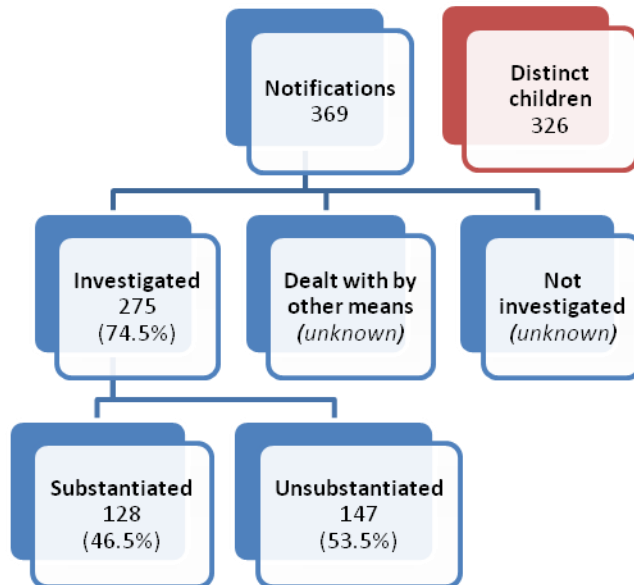
- Screened out at intake (eg because it does not have enough information to enable any further action);
- Dealt with by other means (eg referral to other agencies; added to a child's file as information);
- Investigated/assessed by the agency.

If the report proceeds to investigation, the outcome will be substantiated or not substantiated.

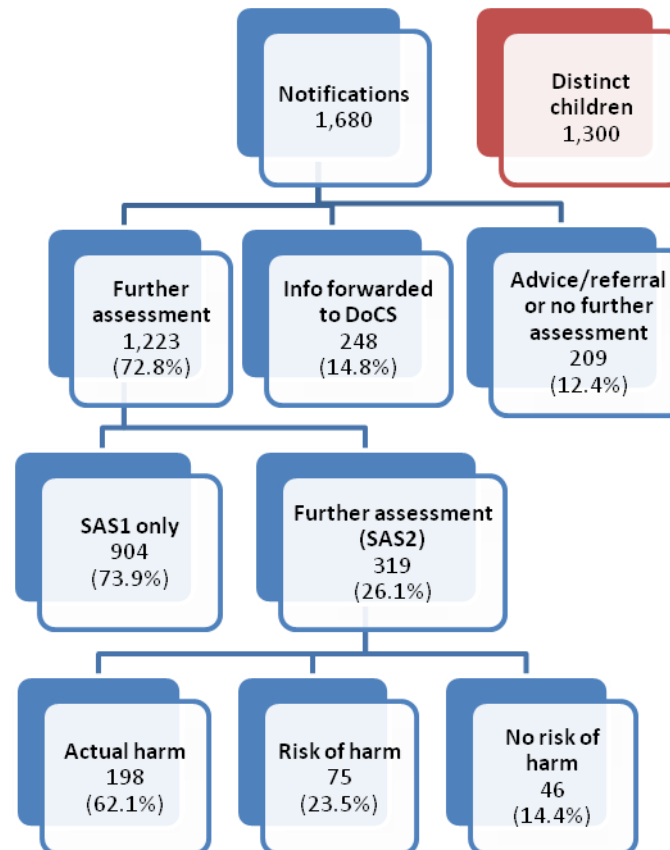
The following flowchart provides an illustration of the intake of reports and their process through the child protection intake and investigation system (for other flowcharts, see Appendix B; and for comparisons of teachers' reporting practice with that of other reporter groups, see Appendix C):

## Flow chart of teacher reports of suspected child sexual abuse for children aged 5-12, 2005/06

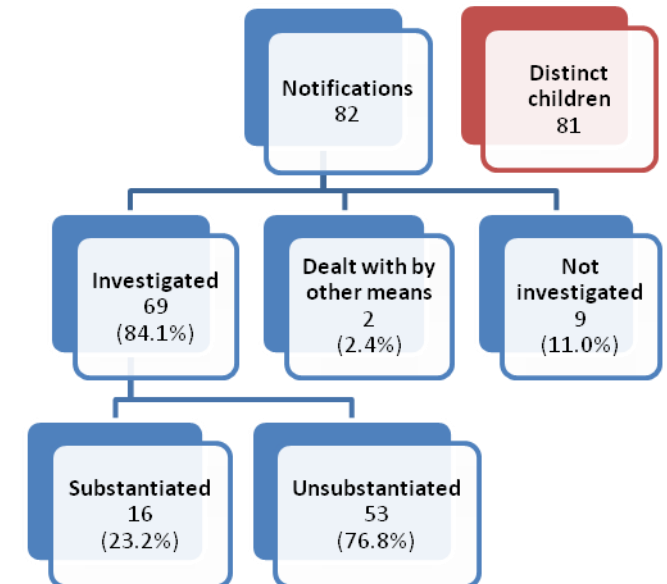
### Queensland



### New South Wales



### Western Australia



### **Numbers of children in reports, and outcomes of those reports: reports that are not substantiated**

It is useful to consider the numbers of children the subject of reports, and the outcomes of reports concerning those children, in each State. This indicates the numbers of reports that are not substantiated, which may indicate levels of unnecessary reporting. Each of the three States were able to provide reasonably complete data to enable this to be done for a two year period (2004/05-2005/06).

**Table C7: Teachers' reports regarding distinct children over two year period 2004/05-2005/06, and outcomes of reports: rates of substantiation**

State	Children in reports	Report not investigated*	Report investigated <sup>#</sup>	Report substantiated	Report not substantiated	Overall substantiation rate
NSW	2687	911	1776	458	1318	17.04%
QLD	705	167	538	275	263	39.0%
WA	156	15	141	43	98	27.56%
Total	3548	1093	2455	776	1679	21.87%

\* Dealt with by other means, information added to file, referred to agency or advice provided, or unknown.

<sup>#</sup> In NSW, there are two steps in the investigation stage (SAS 1 and SAS 2). After SAS 1 a decision is made as to whether the investigation should continue; for those that are continued, they become SAS 2 investigations.

### **Cross-State snapshot**

It appears that across the three States, based on pure substantiation rates of all distinct children in reports (which arguably underrepresent the real substantiation rate), teachers in Queensland had the highest substantiation rate, followed by teachers in Western Australia and New South Wales. The rate in Queensland was more than twice that in New South Wales.

It is difficult to draw any firm conclusions from this data, because of the many unknown factors and variables involved in this context. It must always be remembered that a finding of unsubstantiated does not mean that abuse was not present or that the child was not at risk. As well, expectations of the reliability of outcome of reports of child sexual abuse cannot be unrealistically high, because of the inherently difficult context of child sexual abuse.

Nevertheless, these data suggest that **teachers in New South Wales may be more likely to report based on relatively weak evidence**. However, this possibility would need to be explored further in ways beyond the scope of this study. It may be that some reports are being made without adequate information on which the Department may investigate the case. Information that would better inform an assessment of reporting practice and outcomes may be found through qualitative exploration of reporters through interviews, and through case file analysis of the content of reports. In addition, there may also be systemic issues meaning that some reports that ought to be investigated are not. Local authorities are likely to have insight into the reasons for these findings, drawn from personal and institutional experience.

## **C 6 Outstanding indications within or across States**

It must again be emphasised that complete data were not available for all States in all the same years, and that data are not strictly comparable across States, and that no conclusive findings can be made with certainty because of the inherent uncertainties surrounding investigations, substantiations, and unsubstantiated findings. Nevertheless, the descriptive picture of reporting data for the three States does suggest a number of features within and across States when taking into account population ratios. Government educational and child protection authorities, and non-government educational authorities, may wish to note these suggestions, critically examine them, or investigate them further by subsequent research.

(1) Overall, the data regarding **substantiated cases of child sexual abuse from reports by all reporters** suggests that:

- (a) Western Australia generates significantly fewer substantiated reports of child sexual abuse than does New South Wales and Queensland; and
- (b) Queensland generates slightly fewer substantiated reports of child sexual abuse than does New South Wales.

(2) Overall, the data regarding **numbers of reports by teachers** of suspected child sexual abuse suggests that:

- (a) Western Australian teachers report significantly fewer cases of suspected child sexual abuse than do teachers in New South Wales and Queensland (perhaps indicating failure to detect child sexual abuse at the same rate as teachers elsewhere, or failure to report suspicions);
- (b) New South Wales teachers report significantly more cases of suspected child sexual abuse than do teachers in Queensland and Western Australia (perhaps indicating a level of overreporting in New South Wales);
- (c) in New South Wales and Queensland, numbers of reports are generally stable over time; and
- (d) in New South Wales there is a higher ratio of duplicate reports, perhaps indicating systemic features that can be addressed.

(3) Overall, the data regarding **numbers of substantiated reports by teachers** of suspected child sexual abuse suggests that:

- (a) teachers make an extremely significant contribution to detecting cases of child sexual abuse, especially in New South Wales and Queensland;
- (b) this contribution is consistent over time;
- (c) teachers in Western Australia are identifying significantly fewer cases of child sexual abuse than are teachers in New South Wales and Queensland (perhaps indicating failure to detect child sexual abuse at the same rate as teachers elsewhere, or failure to report suspicions, or the effect of no legislation, low awareness of policy, and other factors); and
- (d) teachers in Queensland are identifying proportionally similar cases of child sexual abuse as are teachers in New South Wales.

(4) Overall, the data regarding **numbers of unsubstantiated reports by teachers** of suspected child sexual abuse suggests that:

- (a) teachers in New South Wales are more likely to report based on relatively weak evidence, or to report with insufficient detail, or alternatively, there are systemic issues in New South Wales leading to fewer investigations being conducted.

## PART D: TEACHER REPORTING SURVEY: NEW SOUTH WALES NON-GOVERNMENT SCHOOLS

### D 1 Response rates

The survey response rate for the New South Wales non-government school sector was 54.5%.

**Table D1: Response rates NSWNGS**

State	Sector	Surveys sent	Surveys returned	Response rate (%)
NSW	NSWNGS	154	84	54.5%

### D 2 Sample demographics

The majority of respondents were female (83.3%). The mean age of teachers in the sample was 41.2 years. Most were married (72.6%) and parents (60.7%). Half had bachelor-level qualifications (60.7%) and a sizeable proportion held Masters-level education (21.4%). Classroom teachers having daily face-to-face contact with children formed the bulk of the sample with most from junior primary (43.5%), upper primary (22.6%) and kindergarten (11.9%) positions. This was a relatively experienced sample with a mean of 15.9 years of teaching experience. The majority were employed on a full-time basis (78.6%).

**Table D2: Sample demographics NSWNGS (categorical variables)**

Variable	Frequency	Percent
<b>Gender</b>		
Male	14	16.7
Female	70	83.3
<b>Marital Status</b>		
Single	19	22.6
Married/Cohabiting	61	72.6
Separated/Divorced	4	4.8
<b>Parental status</b>		
Parent	51	60.7
Non-Parent	33	39.3
<b>Qualifications</b>		
Diploma	13	15.5
Bachelor / Grad Diploma	51	60.7
Masters	18	21.4
Other	2	2.4
<b>Current position</b>		
Teacher K/P	10	11.9
Teacher 1-4	29	34.5
Teacher 5-7	19	22.6
Assistant/Deputy Principal	4	4.8
Principal	5	6.0
Specialist Teacher	9	10.7
Counselor/Chaplain	4	4.8
Other	3	3.6
Missing	1	1.2
<b>Employment status</b>		
Permanent (full-time)	66	78.6
Permanent (part-time)	10	11.9
Contract	7	8.3
Relief Teacher	1	1.2

**Table D3: Sample demographics NSWNGS (continuous variables)**

Variable	Valid Number	Minimum	Maximum	Mean	Std. Deviation
Age in years	82	23	61	41.2	11.6
Length of experience in years	83	1	43	15.9	10.8

**D 3 Training**

Respondents had engaged in different types of training about child sexual abuse. Levels of participation in preservice training were generally lower, with 42.9% of teachers having preservice training related specifically to child sexual abuse. Levels of participation in inservice training related to child abuse and neglect generally were higher at 64.3%. Teachers had a mean of 7.4 hours of inservice training.

**Table D4: Training NSWNGS**

Variable	Frequency	Percent
<b>Preservice training</b>		
Yes	36	42.9
No	45	53.6
Missing	3	3.6
Total	84	100
<b>Inservice training</b>		
Yes	54	64.3
No	27	32.1
Missing	3	3.6
Total	84	100
<b>Inservice training in past 12 months</b>		
Yes	23	42.6
No	31	57.4
Missing	0	0
Total	54	100.0

From this data, 4 training categories were generated.

**Table D5: Training categories NSWNGS**

	Frequency	Percent
Both inservice and preservice	19	22.6
Only inservice	34	40.5
Only preservice	16	19.0
No training	11	13.1
	84	100.0

**NSW Recommendation 5**

Since teachers with both preservice and inservice training have higher knowledge of legislation and policy, better attitudes to reporting, and are more confident detecting indicators of child sexual abuse (see below), efforts should be made to increase the exposure of as many teachers as possible to preservice training and inservice training.

**D 4 Teachers' actual past reporting practice**

Teachers were asked if they had ever reported child sexual abuse in their teaching career and if they had ever suspected child sexual abuse but decided not to report it. Four categories of reporting practice were generated from these responses:

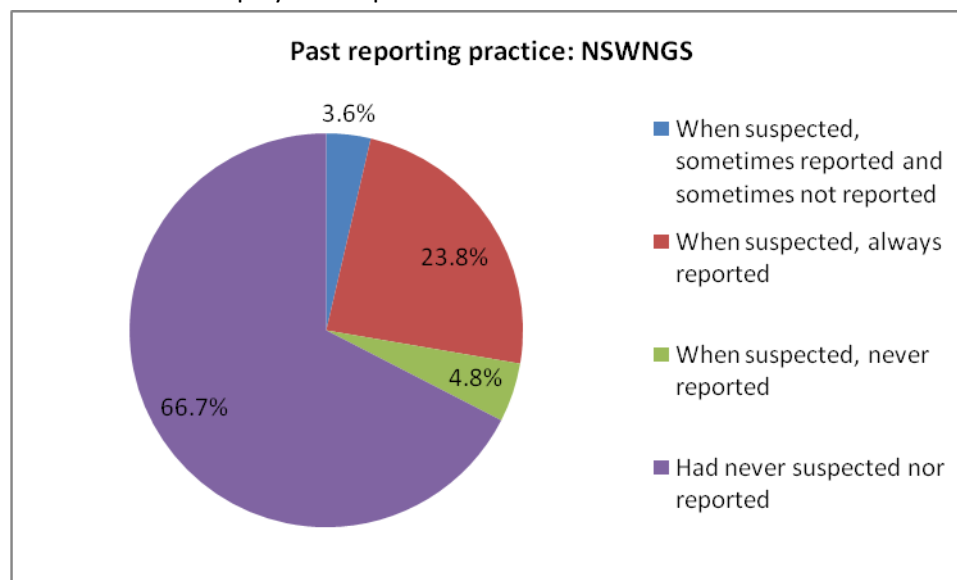
- approximately two thirds of teachers (56/83: 66.7%) had never suspected child sexual abuse nor reported it;
- almost one third (27/83: 33.3%) had suspected child sexual abuse at some point in their career;
  - of these 27 teachers who had suspected child sexual abuse at some time:
    - 20 (23.8%) stated that they had always reported their suspicions;
    - 4 (4.8%) had never reported their suspicions; and
    - 3 (3.6%) had reported sometimes but not always.



**Table D6: Past reporting practice NSWNGS**

Reporting practice	Number	Percent
When suspected, sometimes reported and sometimes not reported	3	3.6
When suspected, always reported	20	23.8
When suspected, never reported	4	4.8
Had never suspected nor reported	56	66.7
<b>Total</b>	<b>83</b>	<b>100.0</b>

This data is also displayed in a pie chart below.

**Figure D1: Past reporting practice NSWNGS**

Comparing across sectors, NSWNGS teachers had highest frequency of always reporting when suspecting (23.8%) and the lowest incidence of never reporting when suspecting (4.8%).

A small number of teachers who, at some time, had failed to report provided information about the key factors influencing their decision. This information was sought using a four-point Likert-type scale with 4 being very important and 1 being not at all important. The main reason given was that they did not believe they had enough evidence to be sure abuse was happening.

**Table D7: Reasons for failure to report NSWNGS**

Variable	Valid Number	Minimum	Maximum	Mean	Std. Deviation
Did not have enough evidence to be sure	7	4	4	4.0	.0
Feared harm to child	6	1	4	2.8	1.2
Thought CPS unlikely to help effectively	6	1	4	2.5	1.4
Thought it better to work with the family first	4	1	4	2.3	1.3
Feared retaliation by parent(s)/community members	6	1	4	1.8	1.2
Feared child would be removed from family	6	1	3	1.8	1.2
Did not know how	6	1	3	1.8	1.0
Feared being sued for making unsubstantiated report	6	1	2	1.7	.5
Concerned about damage school's relationship with child's parents	6	1	2	1.5	.6

### *Factors influencing reporting practice*

More complex statistical techniques were used to determine factors influencing reporting practice. To examine the factors associated with teachers' past reporting of child sexual abuse one binary outcome variable was used. Past reporting was defined as teachers' yes/no responses to the TRQ item asking *Have you ever reported child sexual abuse?* Multilevel binomial regression, backwards stepwise, was used to model factors associated with this reporting outcome.

Model estimation began by entering 15 predictor variables: age, gender, parental status, teaching position, teacher's length of experience, training history, past 12 months inservice training, total training in hours, confidence in identifying child sexual abuse, perceived knowledge in identifying child sexual abuse, attitude toward reporting child sexual abuse, legislation knowledge, policy knowledge, history of suspecting, school location. The backward selection procedure was used to identify significant predictor variables such that variables with the lowest p-value were deleted from the model one by one until only those variables that were statistically significant remained in the model. For NSWNGS there were two significant predictors of past reporting: (higher) legislation knowledge and (higher) total hours of inservice training as depicted below.

**Table D8: Factors influencing teachers' past reporting NSWNGS**

Variable	$\beta$ coefficient (SE)	P value	95%CI
Teacher's knowledge of legislation	0.331(0.140)	0.02	0.056 – 0.605
Total training (in hours)	0.097(0.049)	0.047	0.001 – 0.193

### **NSW Recommendation 6**

While only a very small proportion of teachers had never reported when suspecting abuse, and reporting practice generally appeared effective, nevertheless, training should emphasise that once a teacher has developed a reasonable suspicion of sexual abuse, a report should be made.

## **D 5 Teachers' knowledge of the legislative reporting duty**

### *(a) Sufficient familiarity with the legislative reporting duty to answer questions about it*

Nearly three-quarters of New South Wales non-government school teachers self-reported that they were sufficiently familiar with the legislation to answer questions about specific aspects of the legislative reporting duty (74.7%). Teachers who responded that they were not sufficiently familiar with the legislation to answer further questions about it were directed to proceed to the next section of the questionnaire without answering the questions about the legislation.

### **NSW Recommendation 7**

Training should ensure that all NSWNGS teachers are aware of the key features of the legislative duty.

### *(b) Knowledge of content of the legislative reporting duty*

Questions about the content of the legislative reporting duty were custom-made for New South Wales non-government school teachers focusing on key features of the reporting duty. The questions concerned whether the reporting duty applied only to cases of sexual abuse suspected to have been inflicted by a confined class of perpetrator or to any perpetrator (Suspected perpetrator); whether the teacher had to report when having certainty or only reasonable suspicion (State of mind); whether the duty to report only applied if the harm thought to have been caused was significant (Extent of harm); whether the duty applied only to past sexual abuse or also to risk of future abuse (Past/future); to whom the teacher should make the report (Report destination); when the report must be made (Time of report); how the report must be made (Oral/written report); whether the reporter's identity is protected by the legislation from disclosure (Identity protected); the penalty for failing to report (Penalty); and whether the teacher could be held liable for a report made in good faith that turned out to be unsubstantiated (Liability).

For NSW teachers, according to the legislation, the correct responses were that the reporting duty applied: to all cases regardless of the identity of the suspected perpetrator; where there is reasonable suspicion; only when 'concerned for the child's welfare'; to both suspected past abuse or risk of future abuse; with the report to be made as soon as possible, in writing, to the Department of Community Services; with the reporter's identity protected; with a penalty for failure to report of \$22,000; and with immunity from liability if the report is not substantiated.<sup>104</sup> The following table details the number and percentage of correct and incorrect answers to each question.

**Table D9: Correct and incorrect responses to legislative reporting duty questions NSWNGS**

	Correct n (%)	Incorrect n (%)
Suspected perpetrator	61 (98.4%)	1 (1.6%)
State of mind	59 (95.2%)	3 (4.8%)
Extent of harm	16 (25.8%)	46 (74.2%)
Past/future/both	48 (77.4%)	14 (22.6%)
Report destination	12 (19.4%)	50 (80.6%)
Time of report	53 (85.5%)	9 (14.5%)
Oral/written report	50 (80.6%)	12 (19.4%)
Identity protected	43 (69.4%)	19 (30.6%)
Penalty	4 (6.5%)	58 (93.5%)
Liability	39 (62.9%)	23 (37.1%)

All but one teacher (98.4%) answered correctly regarding the identity of the suspected perpetrator, and nearly all (95.2 %) answered correctly regarding the state of mind. There were very high levels of knowledge about both when to report (85.5%), that the report must be in writing (80.6%) and the temporal classes the duty applies to (74.2%). Three-quarters answered incorrectly regarding the extent of harm required to activate the duty and only one fifth (19.4%) were correctly apprised about the report destination. Almost one third (30.6%) did not know their identity as the reporter was protected, the majority (93.5%) did not know the statutory penalty, and over one third (37.1%) did not know they were immune from liability.

Comparing across sectors, NSWNGS teachers had higher overall knowledge of the content of the legislative reporting duty than any other sector.

### **NSW Recommendation 8**

Training needs to maintain a focus on key features of the legislative duty. In the short term, results show that as well as maintaining focus on the key features, particular attention might be placed on making teachers aware of the appropriate report destination, and the features of identity protection and protection from liability.

## **D 6 Teachers' knowledge of the policy-based reporting duty**

### **(a) Awareness of the existence of a policy-based reporting duty**

Four out of every five teachers (80.7%) were aware that a policy-based reporting duty existed.

### **(b) Sufficient familiarity with the policy-based reporting duty to answer questions about it**

Of the teachers who knew of the existence of a school policy, nearly three quarters (71.6%) self-reported that they were sufficiently familiar with the policy-based reporting duty to answer questions about it. Teachers who responded that they either did not know their school had a policy, or that they knew of such a policy but were not sufficiently familiar with it to answer further questions, were directed to proceed to the next section of the questionnaire without answering the questions about policy.

<sup>104</sup> Amended in 2010 by the *Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009* (NSW) Schedule 1 cl [1], [2] and [7], which commenced on 24 January 2010. These provisions amend the previous legislation, requiring only reports of cases of significant harm, and omitting the penalty.

### **NSW Recommendation 9**

Training should ensure that all NSWNGS teachers are aware of the key features of the policy duty.

#### **(c) Knowledge of content of the policy-based reporting duty**

Teachers who indicated both policy awareness and sufficient familiarity to answer questions were asked a series of questions about the content of the reporting duty in the policy. Questions about the content of the policy-based reporting duty were custom-made for NSWNG teachers focusing on key features of the various policies. These questions were similar in nature to those about the legislative reporting duty, concerning whether the policy-based duty applied to all or only limited suspected perpetrators (Suspected perpetrator); what state of mind is needed to enliven the duty (State of mind); if a certain extent of harm was required to activate the duty (Extent of harm); whether the duty applied only to past sexual abuse or also to risk of future abuse (Past/future); and to whom the teacher should report (Report destination).<sup>105</sup> Table D 10 details the number and percentage of correct and incorrect answers to each question.

**Table D10: Correct and incorrect responses to policy-based reporting duty questions NSWNGS**

	Correct n (%)	Incorrect n (%)
Suspected perpetrator	48 (100.0%)	0 (0.0%)
State of mind	46 (95.8%)	2 (4.2%)
Extent of harm	15 (31.2%)	33 (68.8%)
Past/future or both	34 (73.9%)	12 (26.1%)
Report destination	43 (89.6%)	5 (10.4%)

Teachers showed universal correct knowledge for the identity of the suspected perpetrator (100%), and almost universal correct knowledge (95.8%) about the state of mind. There was a very high level of knowledge (89.6%) regarding report destination, and reasonably high knowledge (73.9%) about the duty applying to both past abuse and suspected future abuse. In contrast, under one third (31.2%) knew the duty technically only applied where the harm suspected created in the teacher a concern for the child's welfare (extent of harm).

Across sectors, NSWNGS teachers had higher overall knowledge of the content of the policy-based duty than any other sector (adjusted aggregate policy knowledge score of 2.33 on a 5-point scale).

### **NSW Recommendation 10**

Training needs to maintain a focus on key features of the policy-based duty. A greater focus might profitably be placed in NSW on extent of harm, and whether the duty applies to suspected past abuse, future abuse, or both.

#### **D 7 Attitudes towards reporting**

Teachers' attitudes towards reporting child sexual abuse were measured using a 21-item scale. Teachers marked their agreement with each statement using a five-point Likert-type scale with 1 representing strongly agree and 5 representing strongly disagree. Items in the scale were expressed both positively and negatively. For example, *Child sexual abuse reporting guidelines are necessary for teachers* (positive) and; *It is a waste of time to report child sexual abuse because no one will follow up on the report* (negative). During data analysis items a, d, e, f, i, l, m, n, q, & s were reverse coded so that, logically, higher scores reflected more positive attitudes. Items were summed to generate a total possible attitude score of 105 which was then proportionately reduced to a score out of 5. NSWNGS teachers had a mean attitude score of 77.9/105 or 3.7/5.0.

<sup>105</sup> Teachers were also asked if the reporter's identity is protected from disclosure but results for this question were excluded from analysis due to ambiguities in policy documents about whether identity was, or was not, so protected.

**Table D11: Mean and standard deviation for attitude items: NSWNGS**

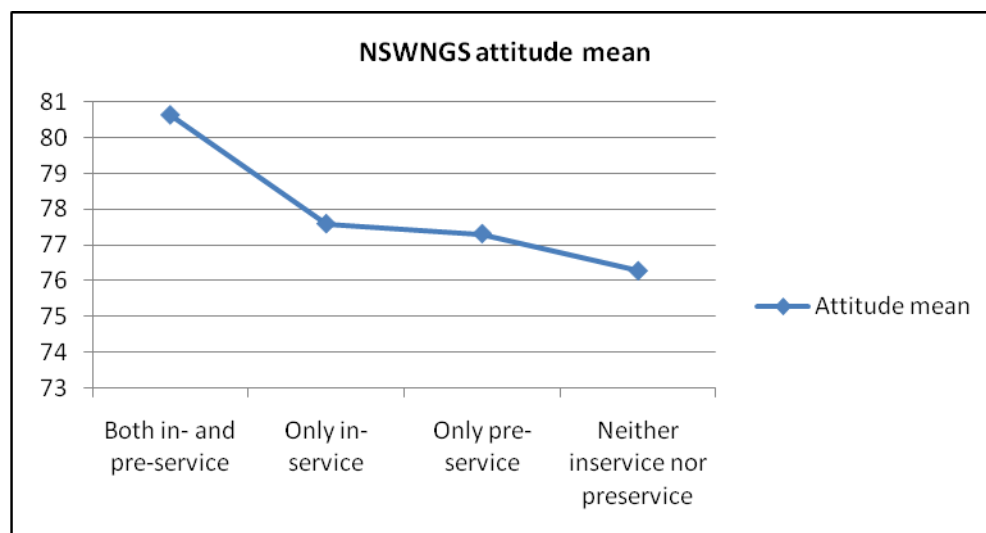
Attitude Item	N	Minimum	Maximum	Mean	Std. Deviation
I plan to report child sexual abuse when I suspect it.*	83	1	5	4.46	0.754
I would be apprehensive to report child sexual abuse for fear of family/community retaliation.	83	1	5	3.64	1.154
I would be reluctant to report a case of child sexual abuse because of what parents will do to the child if he/she is reported.	83	1	5	3.66	0.991
The procedures for reporting child sexual abuse are familiar to me.*	83	1	5	3.36	1.077
I would like to fulfil my professional responsibility by reporting suspected cases of child sexual abuse.*	83	1	5	4.52	0.651
Reporting child sexual abuse is necessary for the safety of children.*	83	1	5	4.67	0.665
I feel emotionally overwhelmed by the thought of reporting child sexual abuse.	83	1	5	3.16	1.121
I would not report child sexual abuse if I knew the child would be removed from their home/family.	83	1	5	4.23	0.687
Reporting child sexual abuse can enable services to be made available to children and families.*	83	2	5	4.08	0.666
I would consider not reporting child sexual abuse because of the possibility of being sued.	83	1	5	3.89	0.870
There is a lot of sensitivity associated with reporting child sexual abuse.	83	1	5	1.58	0.843
Child sexual abuse reporting guidelines are necessary for teachers.*	83	1	5	4.67	0.665
It is important for teachers to be involved in reporting child sexual abuse to prevent long-term consequences for children.*	83	1	5	4.58	0.665
I believe that the current system for reporting child sexual abuse is effective in addressing the problem.*	83	1	5	3.19	0.833
Teachers who report child sexual abuse that is unsubstantiated can get into trouble.	83	1	5	3.40	1.070
It is a waste of time to report child sexual abuse because no one will follow up on the report.	83	1	5	3.81	0.848
I would still report child sexual abuse even if my school administration disagreed with me.*	83	0	5	3.42	0.843
I lack confidence in the authorities to respond effectively to reports of child sexual abuse.	83	0	5	3.30	1.045
I will consult with an administrator before I report child sexual abuse.*	83	1	5	4.12	0.916
I would find it difficult to report child sexual abuse because it is hard to gather enough evidence.	83	1	5	3.31	0.987
A child sexual abuse report can cause a parent to become more abusive toward the child.	83	0	5	2.80	0.823
<b>Total score</b>	<b>83</b>	<b>59</b>	<b>97</b>	<b>77.86</b>	<b>7.796</b>

\* indicates items that were reverse coded during analysis.

**Table D12: Attitude scores NSWNGS**

	Valid Number	Minimum	Maximum	Mean	Std. Deviation
Total Attitude Score (out of 105)	83	59	97	77.9	7.8
Total Attitude Score (out of 5)*	83	2.8	4.6	3.7	.37

Attitudes were distributed differently among the participants according to their history of training as shown below. Teachers with both inservice and preservice training held more positive attitudes towards reporting child sexual abuse.



**Figure D2: Attitude mean by service type NSWNGS**

#### **NSW Recommendation 11**

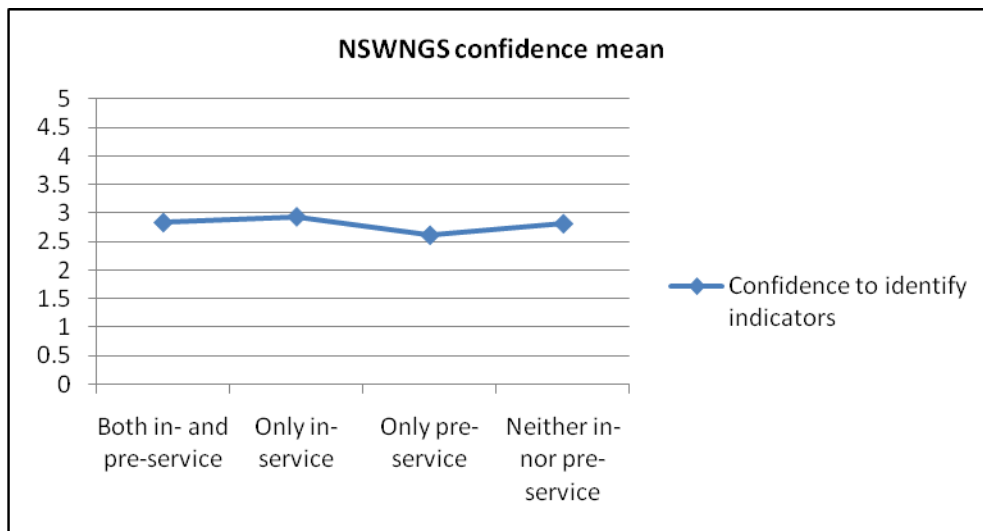
Teachers' attitudes towards reporting were consistently good, but teachers with both preservice and inservice training had more positive attitudes. This is a sound basis on which to build further training efforts. Attitudes may be monitored periodically to determine whether any changes are occurring which might affect reporting practices.

#### **D 8 Confidence etc**

Teachers' confidence in their own ability to detect the indicators of child sexual abuse was measured with one questionnaire item using a five-point Likert-type scale with 1 indicating no confidence and 5 indicating a great deal of confidence. Eighty-three teachers answered this item. The mean confidence score for New South Wales non-government school teachers was 2.8 (sd 0.7).

Pearson correlation was used to identify the level of association between confidence in identifying indicators of child sexual abuse and a range of other variables. A significant and high level of association was found between teachers' confidence in identifying indicators and their self-reported knowledge of the indicators of child sexual abuse ( $r = 0.72$ ,  $p < .01$ ). A significant but low level of association was found between teachers' confidence in identifying indicators and their overall legislation knowledge score ( $r = 0.38$ ,  $p < .01$ ). A significant but low level of association was found between teachers' confidence in identifying indicators and their overall policy knowledge score ( $r = 0.32$ ,  $p < .01$ ).

Self-reported confidence in their ability to identify indicators of child sexual abuse was distributed differently among the participants according to their history of training as shown below. For NSW non-government school teachers, those with inservice training only had higher confidence levels. In all other sectors, however, those with both inservice and preservice training had higher confidence levels.



**Figure D3: Confidence mean by service type NSWNGS**

## PART E: TEACHER REPORTING SURVEY: QUEENSLAND GOVERNMENT SCHOOLS

### E 1 Response rates

The response rate for the Queensland government schools sector was 50.2%.

**Table E1: Response rates QGS**

State	Sector	Surveys sent	Surveys returned	Response rate (%)
Qld	QGS	241	121	50.2

### E 2 Sample demographics

The majority of respondents were female (79.3%). The mean age of teachers in the sample was 44.16 years. Most were married (75.2%) and parents (76.0%). The majority held bachelor-level qualifications (70.2%), one-fifth held Diploma-level qualifications (19.8%) and a small proportion held Masters-level education (9.1%). Classroom teachers having daily face-to-face contact with children formed the bulk of the sample with most from junior primary (34.7%), upper primary (19.8%) and preparatory (9.1) positions. In Queensland government schools, a significant proportion of principals (18.2%) and specialist teachers (14.0%) also responded. This was a very experienced teacher sample with a mean of 18.72 years of teaching service. The majority were employed on a full-time basis (76.9%).

**Table E2: Sample demographics QGS (categorical variables)**

Variable	Frequency	Percent
<b>Gender</b>		
Male	24	19.8
Female	96	79.3
Missing	1	0.8
Total	121	100.0
<b>Marital status</b>		
Single	17	14.0
Married or Cohabiting	91	75.2
Separated or Divorce	11	9.1
Widowed	1	0.8
Missing	1	0.8
Total	121	100.0
<b>Parental status</b>		
Parent	92	76.0
Non-Parent	27	22.3
Missing	2	1.7
Total	121	100
<b>Qualifications</b>		
Diploma	24	19.8
Bachelor/Grad Diploma	85	70.2
Masters	11	9.1
Others	0	0
Missing	1	0.8
Total	121	100
<b>Current position</b>		
Teacher Prep	11	9.1
Teacher 1-4	42	34.7
Teacher 5-7	24	19.8
Assistant/Deputy Principal	2	1.7
Principal	22	18.2
Specialist Teacher	17	14.0
Counselor/Chaplain	1	0.8



Variable	Frequency	Percent
Others	1	0.8
Missing	1	0.8
Total	121	100
<b>Employment status</b>		
Permanent (full-time)	93	76.9
Permanent (part-time)	18	14.9
Contract	10	8.3
Relief Teacher	0	0
Missing	0	0
Total	121	100

**Table E3: Sample demographics QGS (continuous variables)**

Variable	Valid Number	Minimum	Maximum	Mean	Std. Deviation
Age in years	116	21	66	44.16	9.871
Length of experience in years	120	0	45	18.72	10.153

### E 3 Training

Respondents had engaged in different types of training about child sexual abuse. Levels of participation in preservice training were generally lower, with only 14.0% of teachers having participated in preservice training related specifically to child sexual abuse. Levels of participation in inservice training were higher with 65.3% of teachers indicating they had received this training. Teachers in this sample had a mean of 4.42 hours of inservice training.

**Table E4: Training QGS**

Variable	Frequency	Percent
<b>Preservice training</b>		
Yes	17	14
No	103	85.1
Missing	1	0.8
Total	121	100
<b>Inservice training</b>		
Yes	79	65.3
No	41	33.9
Missing	1	0.8
Total	121	100
<b>Inservice training in past 12 months</b>		
Yes	21	26.6
No	57	72.2
Missing	1	1.3
Total	79	100

From this data, 4 training categories were generated.

**Table E5: Training categories QGS**

	Frequency	Percent
Both inservice and preservice training	14	11.6
Only inservice training	64	52.9
Only preservice training	3	2.5
No training	38	31.4
Missing	2	1.7
<b>Total</b>	<b>121</b>	<b>100.0</b>

### **QLD Recommendation 7**

Since teachers with both preservice and inservice training have higher knowledge of legislation and policy, better attitudes to reporting, and are more confident detecting indicators of child sexual abuse (see below), efforts should be made to increase the exposure of as many teachers as possible to preservice training and inservice training.

#### **E 4 Teachers' actual past reporting practice**

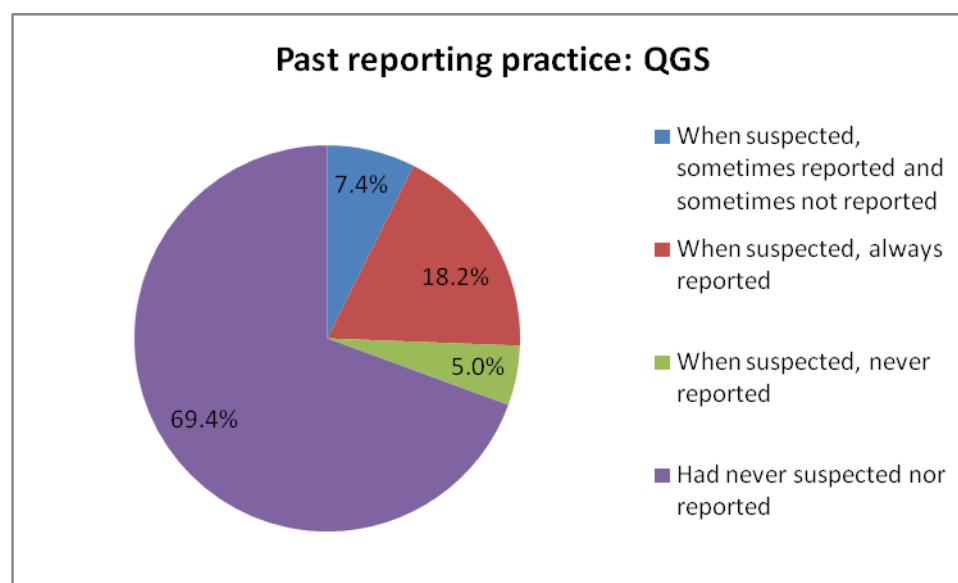
Teachers were asked if they had ever reported child sexual abuse in their teaching career and if they had ever suspected child sexual abuse but decided not to report it. Four categories of reporting practice were generated from these responses:

- most teachers (84/121: 69.4%) in the sample had never suspected child sexual abuse nor reported it.
- almost one-third (37/121: 30.8%) had suspected child sexual abuse at some point in their career.
  - of these 37 teachers who had suspected child sexual abuse at some time:
    - 22 (18.2%) stated that they had always reported their suspicions;
    - 6 (5.0%) had never reported their suspicions; and
    - 9 (7.4%) had reported sometimes but not always.

**Table E6: Past reporting practice QGS**

	Frequency	Percent
When suspected, sometimes reported and sometimes not reported	9	7.4
When suspected, always reported	22	18.2
When suspected, never reported	6	5.0
Had never suspected nor reported	84	69.4
<b>Total</b>	<b>121</b>	<b>100.0</b>

This data is also displayed in a pie chart below.



**Figure E1: Past reporting practice QGS**

Comparing across sectors, with WAGS teachers, QGS teachers had equal highest incidence of sometimes reporting but not always reporting their suspicions of child sexual abuse (7.4%), that is, the second highest rate of discretionary reporting. QGS teachers had the second lowest proportion of teachers who had never reported when they suspected (5.0%), that is, the second lowest rate of outright failure to report. The lowest proportion was found in NSWNGS (4.8%).

A small number of teachers who, at some time, had failed to report provided information about the key factors influencing their decision. This information was sought using a four-point Likert-type scale with 4

being very important and 1 being not at all important. The main reason given was that they did not believe they had enough evidence to be sure abuse was happening.

**Table E7: Reasons for failure to report QGS**

Variable	Valid Number	Minimum	Maximum	Mean	Std. Deviation
Did not have enough evidence to be sure	15	1	4	3.3	1.1
Feared harm to child	15	1	4	2.3	1.2
Feared retaliation by parent(s)/community members	15	1	4	2.0	1.2
Feared child would be removed from family	15	1	4	1.9	1.1
Thought CPS unlikely to help effectively	14	1	4	1.9	1.1
Feared being sued for making unsubstantiated report	15	1	4	1.8	1.5
Concerned about damage school's relationship with child's parents	15	1	3	1.7	.8
Did not know how	15	1	4	1.5	.9
Thought it better to work with the family first	13	1	3	1.5	.8

#### *Factors influencing reporting practice*

More complex statistical techniques were used to determine factors influencing reporting practice. To examine the factors associated with teachers' past reporting of child sexual abuse one binary outcome variable was used. Past reporting was defined as teachers' yes/no responses to the TRQ item asking *Have you ever reported child sexual abuse?* Multilevel binomial regression, backwards stepwise, was used to model factors associated with this reporting outcome.

Model estimation began by entering 15 predictor variables: age, gender, parental status, teaching position, teacher's length of experience, training history, past 12 months inservice training, total training in hours, confidence in identifying child sexual abuse, perceived knowledge in identifying child sexual abuse, attitude toward reporting child sexual abuse, legislation knowledge, policy knowledge, history of suspecting, school location. The backward selection procedure was used to identify significant predictor variables such that variables with the lowest p-value were deleted from the model one by one until only those variables that were statistically significant remained in the model. For QGS there were 2 significant predictors of past reporting: (higher) legislation knowledge; and having a previous history of suspecting child sexual abuse.

**Table E8: Factors influencing teachers' past reporting QGS**

Variable	$\beta$ coefficient (SE)	P value	95%CI
Knowledge of legislation	0.150(0.077)	0.05	0.000 – 0.300
History of suspecting	1.667(0.594)	0.005	0.503 – 2.831

#### **QLD Recommendation 8**

While only a small proportion of teachers had never reported when suspecting abuse, and reporting practice generally appeared effective, nevertheless, training should emphasise that once a teacher has developed a reasonable suspicion of sexual abuse, a report should be made.

#### **E 5 Teachers' knowledge of the legislative reporting duty**

##### *(a) Sufficient familiarity with the legislative reporting duty to answer questions about it*

Less than half of Queensland government school teachers self-reported that they were sufficiently familiar with the legislation to answer questions about specific aspects of the legislative reporting duty (48.3%). Teachers who responded that they were not sufficiently familiar with the legislation to answer further questions about it were directed to proceed to the next section of the questionnaire without answering the questions about the legislation.

### **QLD Recommendation 9**

Significant proportions (more than half) of teachers lacked sufficiently familiarity with the legislation to answer questions about it. Training should ensure that all QGS teachers are aware of the key features of the legislative duty.

#### **(b) Knowledge of content of the legislative reporting duty**

Questions about the content of the legislative reporting duty were custom-made for Queensland government school teachers focusing on key features of the reporting duty. The questions concerned whether the reporting duty applied only to cases of sexual abuse suspected to have been inflicted by a confined class of perpetrator or to any perpetrator (Suspected perpetrator); whether the teacher had to report when having certainty or only reasonable suspicion (State of mind); whether the duty to report only applied if the harm thought to have been caused was significant (Extent of harm); whether the duty applied only to past sexual abuse or also to risk of future abuse (Past/future); to whom the teacher should make the report (Report destination); when the report must be made (Time of report); how the report must be made (Oral/written report); whether the reporter's identity is protected by the legislation from disclosure (Identity protected); the penalty for failing to report (Penalty); and whether the teacher could be held liable for a report made in good faith that turned out to be unsubstantiated (Liability).

According to the legislation, the correct responses for Queensland teachers were that the reporting duty applies: only where the suspected perpetrator is a school staff member; where there is reasonable suspicion; regardless of the extent of harm; to suspected past abuse only; with the report to be made immediately, in writing, to the principal or the principal's supervisor (if a government school teacher) or to the principal or a director of the school's governing body (if a non-government school teacher); with the reporter's identity protected;<sup>106</sup> with a penalty for failure to report of A\$1500;<sup>107</sup> and with immunity from liability if the report was not substantiated.

The following table details the number and percentage of correct and incorrect answers to each question.

**Table E9: Correct and incorrect responses to legislative reporting duty questions QGS**

	Correct n (%)	Incorrect n (%)
Suspected perpetrator	0 (0%)	57 (100%)
State of mind	57 (100%)	0 (0%)
Extent of harm	51 (89.5%)	6 (10.5%)
Past/future/both	42 (73.3%)	15 (26.3%)
Report destination	47 (82.5%)	10 (17.5%)
Time of report	46 (80.7%)	11 (19.3%)
Oral/written report	31 (54.4%)	26 (45.6%)
Identity protected	41 (71.9%)	16 (28.1%)
Penalty	5 (8.8%)	52 (91.2%)
Liability	33 (57.9%)	24 (42.1%)

Queensland government school teachers' responses showed universal correct knowledge of the state of mind (100.0%) and very high levels of knowledge about the extent of harm required to activate the duty (89.5%). There were high levels of knowledge about the report destination (82.5%) and about when to report (80.7%). Approximately three-quarters (73.3%) answered correctly regarding the temporal classes the duty applies to, and almost the same proportion (71.9%) were correctly apprised that their identity as

<sup>106</sup> Although this is not evident from the *Education (General Provisions) Act 2006* (Qld) provisions, but is the effect of related provisions in the *Child Protection Act 1999* (Qld) s 186.

<sup>107</sup> At the time of the study: this has since increased to \$2000 due to an increase in the size of a penalty unit from \$75 to \$100: *Penalties and Sentences Act 1992* (Qld) s 5(1)(c).

the reporter was protected. Lower levels of knowledge were found for awareness that the report must be in writing (54.4%). The majority (91.2%) *did not know* the statutory penalty. All teachers (100.0%) *answered incorrectly* regarding the identity of the suspected perpetrator.

Recalling that significant numbers of respondents did not know enough about the legislation to answer questions about it, then overall, total knowledge scores for the QGS sample are relatively low. However, among those teachers who actually did answer further questions about the legislative duty, only one question was almost always answered correctly (state of mind), and only three questions were answered correctly by over 80 % of teachers (those regarding extent of harm, report destination and when to report); and two more were only answered correctly by a bare majority (written report and liability). QGS teachers' overall knowledge scores were much lower than their NSWNGS counterparts but slightly higher than QNGS teachers.

#### ***QLD Recommendation 10***

Training needs to maintain a focus on key features of the legislative duty. In the short term, results show that a greater focus might profitably be placed in Queensland on suspected perpetrator, identity protection and protection from liability, writing requirement and penalty.

### **E 6 Teachers' knowledge of the policy-based reporting duty**

#### ***(a) Awareness of existence of a policy-based reporting duty***

The majority of teachers (84.9%) were aware of the existence of a policy about reporting child sexual abuse.

#### ***(b) Sufficient familiarity with the policy to answer questions about it***

Of the teachers who knew of the existence of a school policy, less than half (47.5%) self-reported that they were sufficiently familiar with the policy-based reporting duty to answer questions about it. Teachers who responded that they either did not know their school had a policy, or that they knew of such a policy but were not sufficiently familiar with the policy to answer further questions about it, were directed to proceed to the next section of the questionnaire without answering the questions about policy.

#### ***QLD Recommendation 11***

Training should ensure that all QGS teachers are aware of the key features of the policy duty.

#### ***(c) Knowledge of content of the policy-based reporting duty***

Questions about the content of the legislative reporting duty were custom-made for Queensland government school teachers focusing on key features of the reporting duty. The questions concerned whether the reporting duty applied only to cases of sexual abuse suspected to have been inflicted by a confined class of perpetrator or to any perpetrator (Suspected perpetrator); whether the teacher had to report when having certainty or only reasonable suspicion (State of mind); whether the duty to report only applied if the harm thought to have been caused was significant (Extent of harm); whether the duty applied only to past sexual abuse or also to risk of future abuse (Past/future); to whom the teacher should make the report (Report destination); when the report must be made (Time of report); how the report must be made (Oral/written report); whether the reporter's identity is protected by the legislation from disclosure (Identity protected); the penalty for failing to report (Penalty); and whether the teacher could be held liable for a report made in good faith that turned out to be unsubstantiated (Liability).

According to the policy, the correct responses for Queensland teachers were that the reporting duty applies: to all cases regardless of the identity of the suspected perpetrator; where there is reasonable suspicion; only where there is suspected significant harm or risk of significant harm; to both suspected past abuse and risk of future abuse; with the report to be made to the principal (if a government school

teacher) or to the principal or a director of the school's governing body (if a non-government school teacher).

Responses from the Queensland government school teachers showed universal accurate knowledge regarding the state of mind (100.0%), almost universal knowledge of the suspected perpetrator (97.9 %), and very high knowledge regarding report destination (87.5%). Over two-thirds (70.8%) were correct about past/future abuse. In contrast, only a very small proportion (6.2%) answered correctly that the duty only applies to cases of suspected significant harm. Table E 10 details the number and percentage of correct and incorrect answers to each question.

**Table E10: Correct and incorrect responses to policy-based reporting duty questions QGS**

	Correct n(%)	Incorrect n(%)
Suspected perpetrator	47 (97.9)	1 (2.1)
State of mind	48 (100.0)	0 (0.0)
Extent of harm	3 (6.2)	45 (93.8)
Past/future or both	34 (70.8)	14 (29.2)
Report destination	42 (87.5)	6 (12.5)

Recalling that significant numbers of respondents did not know enough about the policy to answer questions about it, aggregate policy knowledge scores were relatively low amounting to an adjusted score of 1.73 on a 5-point scale. Almost universal lack of knowledge about some items drove the results down by almost an entire point (for example, concerning the extent of harm). Among those who answered further questions about the duty, there were generally high levels of knowledge.

Comparing across sectors, teachers from QGS had a higher awareness of the existence of school policy (84%), than teachers in any other sector.

### **QLD Recommendation 12**

Training needs to maintain a focus on key features of the policy-based duty. A greater focus might profitably be placed in Queensland on the requirement to report suspected risk of future abuse, as well as suspected past abuse.

## **E 7 Attitudes towards reporting**

Teachers' attitudes towards reporting child sexual abuse were measured using a 21-item scale. Teachers marked their agreement with each statement using a five-point Likert-type scale with 1 representing strongly agree and 5 representing strongly disagree. Items in the scale were expressed both positively and negatively. For example, *Child sexual abuse reporting guidelines are necessary for teachers* (positive) and; *It is a waste of time to report child sexual abuse because no one will follow up on the report* (negative). During data analysis items a, d, e, f, i, l, m, n, q, & s were reverse coded so that, logically, higher scores reflected more positive attitudes. Items were summed to generate a total possible attitude score of 105 which was then proportionately reduced to a score out of 5. QGS teachers had a mean attitude score of 77.5/105 or 3.7/5.0.

**Table E11: Mean and standard deviation for attitude items: QGS**

Attitude Item	N	Minimum	Maximum	Mean	Std. Deviation
I plan to report child sexual abuse when I suspect it.*	119	0	5	4.43	0.798
I would be apprehensive to report child sexual abuse for fear of family/community retaliation.	119	1	5	3.86	1.115
I would be reluctant to report a case of child sexual abuse because of what parents will do to the child if he/she is reported.	119	0	5	3.69	1.148

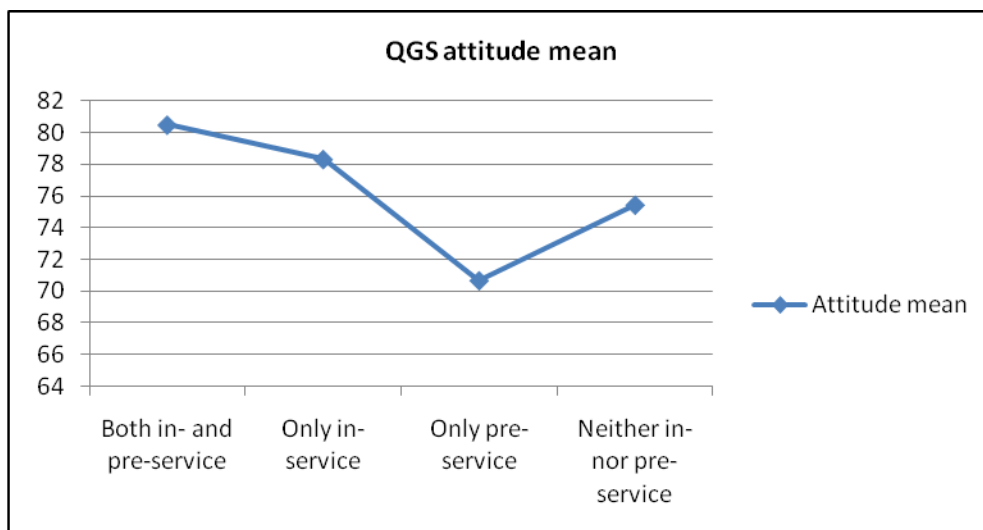
The procedures for reporting child sexual abuse are familiar to me.*	119	1	5	3.30	1.124
I would like to fulfil my professional responsibility by reporting suspected cases of child sexual abuse.*	119	3	5	4.45	0.578
Reporting child sexual abuse is necessary for the safety of children.*	119	1	5	4.72	0.637
I feel emotionally overwhelmed by the thought of reporting child sexual abuse.	119	1	5	3.28	1.214
I would not report child sexual abuse if I knew the child would be removed from their home/family.	119	1	5	4.30	0.683
Reporting child sexual abuse can enable services to be made available to children and families.*	119	1	5	4.04	0.807
I would consider not reporting child sexual abuse because of the possibility of being sued.	119	1	5	3.98	1.017
There is a lot of sensitivity associated with reporting child sexual abuse.	119	1	5	1.59	0.807
Child sexual abuse reporting guidelines are necessary for teachers.*	119	3	5	4.68	0.503
It is important for teachers to be involved in reporting child sexual abuse to prevent long-term consequences for children.*	119	1	5	4.54	0.635
I believe that the current system for reporting child sexual abuse is effective in addressing the problem.*	119	1	5	3.03	0.747
Teachers who report child sexual abuse that is unsubstantiated can get into trouble.	119	1	5	3.34	0.905
It is a waste of time to report child sexual abuse because no one will follow up on the report.	119	0	5	3.72	0.956
I would still report child sexual abuse even if my school administration disagreed with me.*	119	0	5	3.28	1.024
I lack confidence in the authorities to respond effectively to reports of child sexual abuse.	119	1	5	3.20	0.996
I will consult with an administrator before I report child sexual abuse.*	119	0	5	4.34	0.797
I would find it difficult to report child sexual abuse because it is hard to gather enough evidence.	119	1	5	3.00	1.058
A child sexual abuse report can cause a parent to become more abusive toward the child.	119	1	5	2.71	0.741
<b>Total score</b>	<b>119</b>	<b>59</b>	<b>94</b>	<b>77.48</b>	<b>7.212</b>

\* indicates items that were reverse coded during analysis.

**Table E12: Attitude scores QGS**

	Valid Number	Minimum	Maximum	Mean	Std. Deviation
Total Attitude Score (out of 105)	119	59	94	77.5	7.2
Total Attitude Score (out of 5)*	119	3	4	3.7	.34

Attitudes were distributed differently among the participants according to their history of training as shown below. Teachers with both inservice and preservice training held more positive attitudes towards reporting child sexual abuse.



**Figure E2: Attitude mean by service type QGS**

### **QLD Recommendation 13**

Teachers' attitudes towards reporting were consistently good, but teachers with both preservice and inservice training had more positive attitudes. This is a sound basis on which to build further training efforts. Attitudes may be monitored periodically to determine whether any changes are occurring which might affect reporting practices.

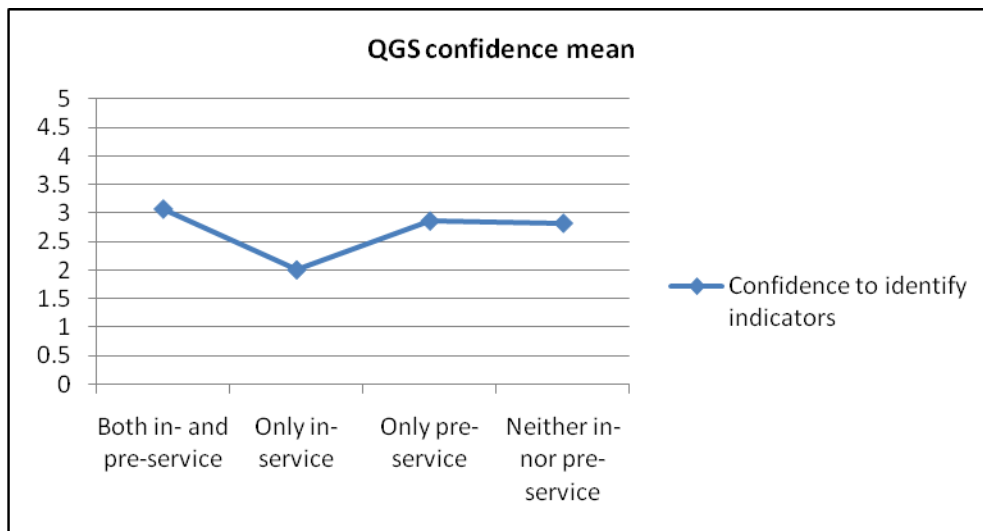
## **E 8 Confidence**

Teachers' confidence in their own ability to detect the indicators of child sexual abuse was measured with one questionnaire item using a five-point Likert-type scale with 1 indicating no confidence and 5 indicating a great deal of confidence. All one hundred and twenty-one teachers answered this item. The mean confidence score for Queensland government school teachers was 2.83 (sd 0.79).

Pearson correlation was used to identify the level of association between confidence in identifying indicators of child sexual abuse and a range of other variables. A significant and high level of association was found between teachers' confidence in identifying indicators and their self-reported knowledge of the indicators of child sexual abuse ( $r = 0.77$ ,  $p < .01$ ). A significant but low level of association was found between teachers' confidence in identifying indicators and their overall policy knowledge score ( $r = 0.34$ ,  $p < .01$ ).

Self-reported confidence in their ability to identify indicators of child sexual abuse was distributed differently among the participants according to their history of training as shown below. Those with both inservice and preservice training had higher confidence levels.





**Figure E3: Confidence mean by service type QGS**

## PART F: TEACHER REPORTING SURVEY: QUEENSLAND NON-GOVERNMENT SCHOOLS

### F 1 Response rates

The response rate for the Queensland government schools sector was 61.5%.

**Table F1: Response rates QNGS**

State	Sector	Surveys sent	Surveys returned	Response rate (%)
QLD	QNGS	200	123	61.5%

### F 2 Sample demographics

The majority of respondents were female (81.3%). The mean age of teachers in the sample was 40.4 years. Most were married (76.4%) and parents (69.1%). The majority held bachelor-level qualifications (85.4%), a small proportion held Diploma-level qualifications (5.7%) and Masters-level education (7.3%). Classroom teachers having daily face-to-face contact with children formed the bulk of the sample with most from junior primary (36.6%), upper primary (26.0%) and preparatory (10.6%) positions. This was an experienced teacher sample with a mean of 15.0 years of teaching service. The majority were employed on a full-time basis (69.1%).

**Table F2: Sample demographics QNGS (categorical variables)**

Variable	Frequency	Percent
<b>Gender</b>		
Male	22	17.9
Female	100	81.3
Missing	1	0.8
<b>Marital Status</b>		
Single	21	17.1
Married or Cohabiting	94	76.4
Separated/ Divorced	5	4.1
Widowed	1	0.8
Missing	2	1.6
<b>Parental status</b>		
Parent	85	69.1
Non-parent	35	28.5
Missing	3	2.4
<b>Qualifications</b>		
Diploma	7	5.7
Bachelor/ Grad Diploma	105	85.4
Masters	9	7.3
Others	1	0.8
Missing	1	0.8
<b>Current position</b>		
Preparatory teach	13	10.6
Teach 1-4	45	36.6
Teach 5-7	32	26.0
Assistant/Deputy Principal	5	4.1
Principal	5	4.1
Specialist Teacher	16	13.0
Other	6	4.9
Missing	1	0.8
<b>Employment status</b>		
Permanent (full-time)	85	69.1
Permanent (part-time)	19	15.5
Contract	18	14.6

Variable	Frequency	Percent
Missing	1	0.8

**Table F3: Sample demographics QNGS (continuous variables)**

Variable	Valid Number	Minimum	Maximum	Mean	Std. Deviation
Age in years	119	21	62	40.4	10.9
Length of experience in years	122	0	42	15.0	10.7

### F 3 Training

Respondents had engaged in different types of training about child sexual abuse. Levels of participation in preservice training were generally lower, with 37.4% of teachers having participated in preservice training related specifically to child sexual abuse. Levels of participation in inservice training were higher with 64.2% of teachers indicating they had received this training. Teachers in this sample had a mean of 6.4 hours of inservice training.

**Table F4: Training categories QNGS**

Variable	Frequency	Percent
<b>Preservice training in CSA</b>		
Yes	46	37.4
No	77	62.6
<b>Inservice training in CSA</b>		
Yes	79	64.2
No	44	35.8
<b>Inservice training in past 12 months</b>		
Yes	29	36.7
No	48	60.8
Missing	2	2.5

From this data, 4 training categories were generated.

**Table F5: Training categories QNGS**

	Frequency	Percent
Both inservice and preservice training	33	26.8
Only inservice training	46	37.4
Only preservice training	13	10.6
No training	31	25.2
<b>Total</b>	<b>123</b>	<b>100.0</b>

#### **QLD Recommendation 7**

Since teachers with both preservice and inservice training have higher knowledge of legislation and policy, better attitudes to reporting, and are more confident detecting indicators of child sexual abuse (see below), efforts should be made to increase the exposure of as many teachers as possible to preservice training and inservice training.

### F 4 Teachers' actual past reporting practice

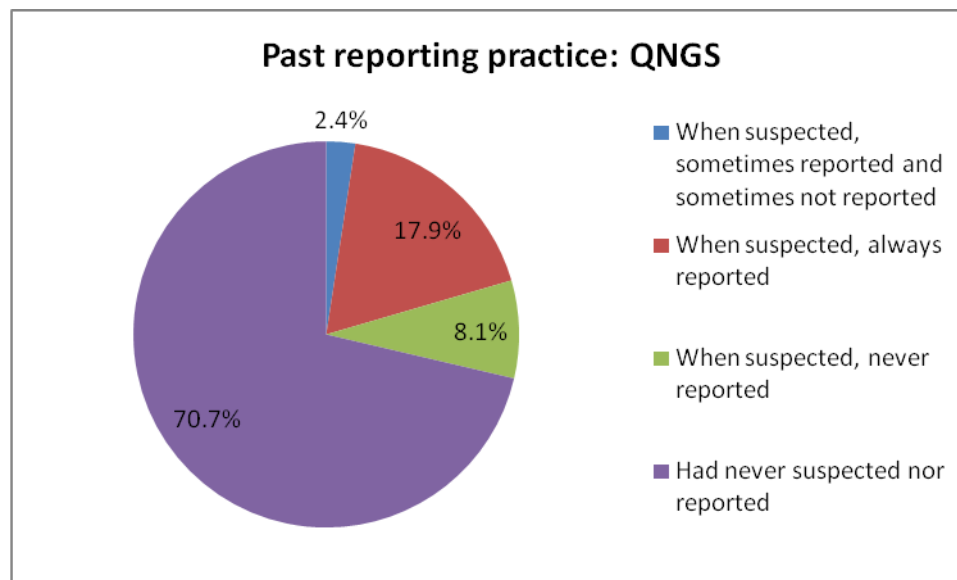
Teachers were asked if they had ever reported child sexual abuse in their teaching career and if they had ever suspected child sexual abuse but decided not to report it. Four categories of reporting practice were generated from these responses:

- most teachers (87/123: 70.7%) in the sample had never suspected child sexual abuse nor reported it.
- almost one-third (35/123: 28.5%) had suspected child sexual abuse at some point in their career.
  - of these 35 teachers who had suspected child sexual abuse at some time:
    - 22 (17.9%) stated that they had always reported their suspicions;
    - 10 (8.1%) had never reported their suspicions; and
    - 3 (2.4%) had reported sometimes but not always.

**Table F6: Past reporting practice QNGS**

	Frequency	Percent
When suspected, sometimes reported and sometimes not reported	3	2.4
When suspected, always reported	22	17.9
When suspected, never reported	10	8.1
Had never suspected nor reported	87	70.7
<b>Total</b>	<b>123</b>	<b>100.0</b>

This data is also displayed in a pie chart below.

**Figure F1: Past reporting practice QNGS**

Comparing across sectors, QNGS teachers had the second highest incidence of never having suspected nor reported child sexual abuse (WANGS was the highest). QNGS had the lowest proportion of teachers who reported sometimes but not at others (i.e. discretionary reporting).

A small number of teachers who, at some time, had failed to report provided information about the key factors influencing their decision. This information was sought using a four-point Likert-type scale with 4 being very important and 1 being not at all important. The main reason given was that they did not believe they had enough evidence to be sure abuse was happening.

**Table F7: Reasons for failure to report QNGS**

Variable	Valid Number	Minimum	Maximum	Mean	Std. Deviation
Did not have enough evidence to be sure	15	1	4	3.3	1.0
Feared harm to child	15	1	4	2.5	1.1
Feared retaliation by parent(s)/community members	15	1	4	2.5	1.1
Feared being sued for making unsubstantiated report	15	1	4	2.5	1.2
Feared child would be removed from family	14	1	3	2.1	.9
Thought CPS unlikely to help effectively	14	1	3	2.0	1.0
Did not know how	15	1	4	1.9	1.3
Thought it better to work with the family first	14	1	4	1.6	0.9
Concerned about damage school's relationship with child's parents	14	1	3	1.5	.8

### *Factors influencing reporting practice*

More complex statistical techniques were used to determine factors influencing reporting practice. To examine the factors associated with teachers' past reporting of child sexual abuse one binary outcome variable was used. Past reporting was defined as teachers' yes/no responses to the TRQ item asking *Have you ever reported child sexual abuse?* Multilevel binomial regression, backwards stepwise, was used to model factors associated with this reporting outcome.

Model estimation began by entering 15 predictor variables: age, gender, parental status, teaching position, teacher's length of experience, training history, past 12 months inservice training, total training in hours, confidence in identifying child sexual abuse, perceived knowledge in identifying child sexual abuse, attitude toward reporting child sexual abuse, legislation knowledge, policy knowledge, history of suspecting, school location. The backward selection procedure was used to identify significant predictor variables such that variables with the lowest p-value were deleted from the model one by one until only those variables that were statistically significant remained in the model. For QNGS there were 2 significant predictors of past reporting: (longer) length of experience; and (higher levels of) knowledge of legislation.

**Table F8: Factors influencing teachers' past reporting QNGS**

Variable	$\beta$ coefficient (SE)	P value	95%CI
Length of experience	0.074(0.024)	0.02	0.027 – 0.121
Knowledge of legislation	0.311(0.095)	0.001	0.125 – 0.497

### **QLD Recommendation 8**

While only a small proportion of teachers had never reported when suspecting abuse, and reporting practice generally appeared effective, nevertheless, training should emphasise that once a teacher has developed a reasonable suspicion of sexual abuse, a report should be made.

### **F 5 Teachers' knowledge of the legislative reporting duty**

#### *(a) Sufficient familiarity with the legislative reporting duty to answer questions about it*

Less than half of Queensland non-government school teachers self-reported that they were sufficiently familiar with the legislation to answer questions about specific aspects of the legislative reporting duty (43.9%). Teachers who responded that they were not sufficiently familiar with the legislation to answer further questions about it were directed to proceed to the next section of the questionnaire without answering the questions about the legislation.

### **QLD Recommendation 9**

Significant proportions (more than half) of teachers lacked sufficiently familiarity with the legislation to answer questions about it. Training should ensure that all QNGS teachers are aware of the key features of the legislative duty.

#### *(b) Knowledge of content of the legislative reporting duty*

Questions about the content of the legislative reporting duty were custom-made for Queensland non-government school teachers focusing on key features of the reporting duty. The questions concerned whether the reporting duty applied only to cases of sexual abuse suspected to have been inflicted by a confined class of perpetrator or to any perpetrator (Suspected perpetrator); whether the teacher had to report when having certainty or only reasonable suspicion (State of mind); whether the duty to report only applied if the harm thought to have been caused was significant (Extent of harm); whether the duty applied only to past sexual abuse or also to risk of future abuse (Past/future); to whom the teacher should make the report (Report destination); when the report must be made (Time of report); how the report must be made (Oral/written report); whether the reporter's identity is protected by the legislation from disclosure (Identity protected); the penalty for failing to report (Penalty); and whether the teacher could be held liable for a report made in good faith that turned out to be unsubstantiated (Liability).

According to the legislation, the correct responses for Queensland teachers were that the reporting duty applies: only where the suspected perpetrator is a school staff member; where there is reasonable suspicion; regardless of the extent of harm; to suspected past abuse only; with the report to be made immediately, in writing, to the principal or the principal's supervisor (if a government school teacher) or to the principal or a director of the school's governing body (if a non-government school teacher); with the reporter's identity protected;<sup>108</sup> with a penalty for failure to report of A\$1500;<sup>109</sup> and with immunity from liability if the report was not substantiated.

The following table details the number and percentage of correct and incorrect answers to each question.

**Table F9: Correct and incorrect responses to legislative reporting duty questions QNGS**

	Correct n (%)	Incorrect n (%)
Suspected perpetrator	1 (1.9%)	53 (98.1%)
State of mind	52 (96.3%)	2 (3.7%)
Extent of harm	43 (81.1%)	10 (18.9%)
Past/future/both	38 (71.7%)	15 (28.3%)
Report destination	45 (83.3%)	9 (16.7%)
Time of report	35 (64.8%)	19 (35.2%)
Oral/written report	29 (53.7%)	25 (46.3%)
Identity protected	31 (57.4%)	23 (42.6%)
Penalty	2 (3.7%)	52 (96.3%)
Liability	33 (61.1%)	21 (38.9%)

Queensland non-government school teachers' responses high levels of correct knowledge of the state of mind (96.3%), and very high levels of knowledge about the extent of harm required to activate the duty (89.5%). There were high levels of knowledge about the report destination (83.3%). Almost three-quarters (71.7%) answered correctly regarding the temporal classes the duty applies to. There were lower levels of correct knowledge about when to report (64.8%) and awareness that the report must be in writing (53.7%). Over half seemed not to be correctly apprised of their identity as the reporter was protected (57.4%). The majority (96.3%) *did not know* the statutory penalty. All teachers, apart from one (98.1%) *answered incorrectly* regarding the identity of the suspected perpetrator.

Recalling that significant numbers of respondents did not know enough about the legislation to answer questions about it, then overall, total knowledge scores for the QNGS sample are relatively low. However, among those teachers who actually did answer further questions about the legislative duty, only one question was almost always answered correctly (state of mind), and only two questions were answered correctly by over 80 % of teachers (those regarding extent of harm, report destination); and three more were only answered correctly by a bare majority (written report, identity protection, and liability). QNGS teachers' overall knowledge scores were the lowest of the three sectors having legislation at the time of the study.

#### **QLD Recommendation 10**

Training needs to maintain a focus on key features of the legislative duty. A greater focus might profitably be placed in QNGS on suspected perpetrator, identity protection and protection from liability, writing requirement and penalty.

<sup>108</sup> Although this is not evident from the *Education (General Provisions) Act 2006* (Qld) provisions, but is the effect of related provisions in the *Child Protection Act 1999* (Qld) s 186.

<sup>109</sup> At the time of the study: this has since increased to \$2000 due to an increase in the size of a penalty unit from \$75 to \$100: *Penalties and Sentences Act 1992* (Qld) s 5(1)(c).

## **F 6 Teachers' knowledge of the policy-based reporting duty**

### **(a) Awareness of existence of a policy-based reporting duty**

Almost three-quarters (71.3%) of Queensland non-government school teachers were aware of the existence of a policy about reporting child sexual abuse.

### **(b) Sufficient familiarity with the policy to answer questions about it**

Of the teachers who knew of the existence of a school policy, 59.7% self-reported that they were sufficiently familiar with the policy-based reporting duty to answer questions about it. Teachers who responded that they either did not know their school had a policy, or that they knew of such a policy but were not sufficiently familiar with the policy to answer further questions about it, were directed to proceed to the next section of the questionnaire without answering the questions about policy.

### **QLD Recommendation 11**

Significant proportions (more than half) of teachers were not aware of the policy, or were aware of it but lacked sufficient familiarity with the policy to answer questions about it. Training should ensure that all QNGS teachers are aware of the key features of the policy-based reporting duty.

### **(c) Knowledge of content of the policy-based reporting duty**

Questions about the content of the legislative reporting duty were custom-made for Queensland non-government school teachers focusing on key features of the reporting duty. The questions concerned whether the reporting duty applied only to cases of sexual abuse suspected to have been inflicted by a confined class of perpetrator or to any perpetrator (Suspected perpetrator); whether the teacher had to report when having certainty or only reasonable suspicion (State of mind); whether the duty to report only applied if the harm thought to have been caused was significant (Extent of harm); whether the duty applied only to past sexual abuse or also to risk of future abuse (Past/future); to whom the teacher should make the report (Report destination); when the report must be made (Time of report); how the report must be made (Oral/written report); whether the reporter's identity is protected by the legislation from disclosure (Identity protected); the penalty for failing to report (Penalty); and whether the teacher could be held liable for a report made in good faith that turned out to be unsubstantiated (Liability).

According to the policy, the correct responses for Queensland teachers were that the reporting duty applies: to all cases regardless of the identity of the suspected perpetrator; where there is reasonable suspicion; only where there is suspected significant harm or risk of significant harm; to both suspected past abuse and risk of future abuse; with the report to be made to the principal or a director of the school's governing body.

Responses from the Queensland non-government school teachers showed very high levels of knowledge of the suspected perpetrator (96.2 %), report destination (94.2%) and regarding the state of mind (92.3%). Almost two-thirds (65.4%) were correct about past/future abuse. In contrast, only a minority (13.7%) answered correctly that the duty only applies to cases of suspected significant harm. Table F 10 details the number and percentage of correct and incorrect answers to each question.

**Table F10: Correct and incorrect responses to policy-based reporting duty questions QNGS**

	Correct n(%)	Incorrect n(%)
Suspected perpetrator	50 (96.2)	2 (3.8)
State of mind	48(92.3)	4 (7.7)
Extent of harm	7 (13.7)	44 (86.3)
Past/future or both	34 (65.4)	18 (34.6)
Report destination	49 (94.2)	3 (5.8)

Recalling that significant numbers of respondents did not know enough about the policy to answer questions about it, aggregate policy knowledge scores were relatively low amounting to an adjusted score of 1.53 on a 5-point scale. Low levels of knowledge about some items drove the results down by almost an entire point (for example, concerning the extent of harm). Among those who answered further questions about the duty, there were generally high levels of knowledge.

**QLD Recommendation 12**

Training needs to maintain a focus on key features of the policy-based duty. A greater focus might profitably be placed in QNGS on the duty to report suspected risk of future abuse as well as suspected past abuse.

**F 7 Attitudes towards reporting**

Teachers' attitudes towards reporting child sexual abuse were measured using a 21-item scale. Teachers marked their agreement with each statement using a five-point Likert-type scale with 1 representing strongly agree and 5 representing strongly disagree. Items in the scale were expressed both positively and negatively. For example, *Child sexual abuse reporting guidelines are necessary for teachers* (positive) and; *It is a waste of time to report child sexual abuse because no one will follow up on the report* (negative). During data analysis items a, d, e, f, i, l, m, n, q, & s were reverse coded so that, logically, higher scores reflected more positive attitudes. Items were summed to generate a total possible attitude score of 105 which was then proportionately reduced to a score out of 5. QNGS teachers had a mean attitude score of 76.8/105 or 3.7/5.0.



**Table F11: Mean and standard deviation for attitude items: QNGS**

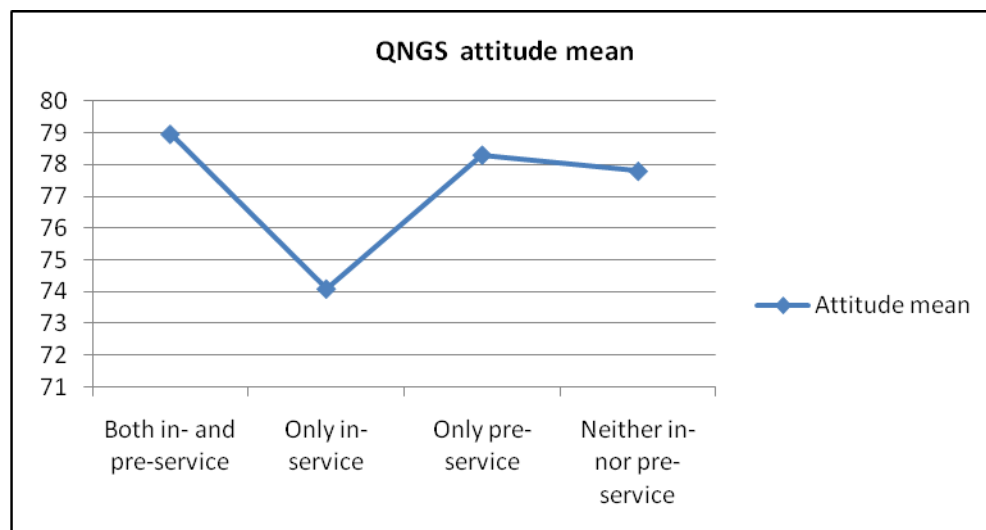
Attitude Item	N	Minimum	Maximum	Mean	Std. Deviation
I plan to report child sexual abuse when I suspect it.*	121	2	5	4.49	0.621
I would be apprehensive to report child sexual abuse for fear of family/community retaliation.	121	1	5	3.72	1.134
I would be reluctant to report a case of child sexual abuse because of what parents will do to the child if he/she is reported.	119	1	5	3.60	1.052
The procedures for reporting child sexual abuse are familiar to me.*	121	1	5	3.33	1.121
I would like to fulfil my professional responsibility by reporting suspected cases of child sexual abuse.*	121	1	5	4.44	0.706
Reporting child sexual abuse is necessary for the safety of children.*	121	4	5	4.75	0.434
I feel emotionally overwhelmed by the thought of reporting child sexual abuse.	121	1	5	3.17	1.234
I would not report child sexual abuse if I knew the child would be removed from their home/family.	121	1	5	4.08	0.791
Reporting child sexual abuse can enable services to be made available to children and families.*	120	1	5	4.11	0.828
I would consider not reporting child sexual abuse because of the possibility of being sued.	121	1	5	3.76	0.958
There is a lot of sensitivity associated with reporting child sexual abuse.	121	1	5	1.55	0.695
Child sexual abuse reporting guidelines are necessary for teachers.*	121	1	5	4.60	0.598
It is important for teachers to be involved in reporting child sexual abuse to prevent long-term consequences for children.*	121	1	5	4.49	0.685
I believe that the current system for reporting child sexual abuse is effective in addressing the problem.*	121	1	5	3.19	0.767
Teachers who report child sexual abuse that is unsubstantiated can get into trouble.	121	1	5	3.06	0.934
It is a waste of time to report child sexual abuse because no one will follow up on the report.	121	2	5	3.92	0.822
I would still report child sexual abuse even if my school administration disagreed with me.*	121	1	5	3.18	0.876
I lack confidence in the authorities to respond effectively to reports of child sexual abuse.	120	1	5	3.33	0.929
I will consult with an administrator before I report child sexual abuse.*	120	1	5	4.48	0.710
I would find it difficult to report child sexual abuse because it is hard to gather enough evidence.	121	1	5	3.08	1.077
A child sexual abuse report can cause a parent to become more abusive toward the child.	121	1	5	2.62	0.887
<b>Total score</b>	<b>121</b>	<b>52</b>	<b>93</b>	<b>76.79</b>	<b>8.391</b>

\* indicates items that were reverse coded during analysis.

**Table F12: Attitude scores QNGS**

	Valid Number	Minimum	Maximum	Mean	Std. Deviation
Total Attitude Score (out of 105)	121	52	93	76.8	8.4
Total Attitude Score (out of 5)*	121	2.5	4.4	3.7	.4

Attitudes were distributed differently among the participants according to their history of training as shown below. Teachers with both inservice and preservice training held more positive attitudes towards reporting child sexual abuse.

**Figure F2: Attitude mean by service type QNGS****QLD Recommendation 13**

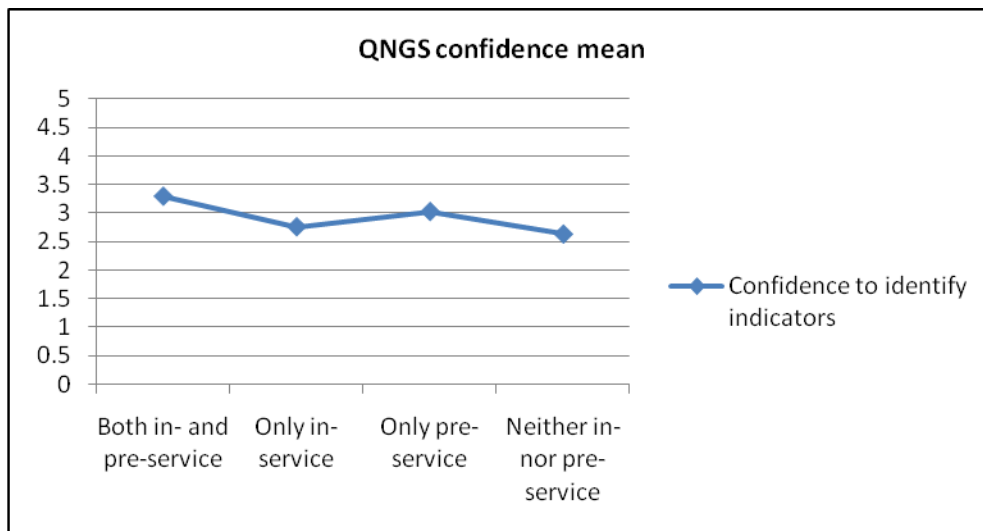
Teachers' attitudes towards reporting were consistently good, but teachers with both preservice and inservice training had more positive attitudes. This is a sound basis on which to build further training efforts. Attitudes may be monitored periodically to determine whether any changes are occurring which might affect reporting practices.

**F 8 Confidence**

Teachers' confidence in their own ability to detect the indicators of child sexual abuse was measured with one questionnaire item using a five-point Likert-type scale with 1 indicating no confidence and 5 indicating a great deal of confidence. All one hundred and twenty-one teachers answered this item. The mean confidence score for Queensland non-government school teachers was 2.9 (sd 0.8).

Pearson correlation was used to identify the level of association between confidence in identifying indicators of child sexual abuse and a range of other variables. A significant and high level of association was found between teachers' confidence in identifying indicators and their self-reported knowledge of the indicators of child sexual abuse ( $r = 0.77$ ,  $p < .001$ ). A significant but low level of association was found between teachers' confidence in identifying indicators and their overall policy knowledge score ( $r = 0.32$ ,  $p < .01$ ).

Self-reported confidence in their ability to identify indicators of child sexual abuse was distributed differently among the participants according to their history of training as shown below. Those with both inservice and preservice training had higher confidence levels.



**Figure F3: Confidence mean by service type QNGS**

# PART G: TEACHER REPORTING SURVEY: WESTERN AUSTRALIA

## GOVERNMENT SCHOOLS

### G 1 Response rates

The response rate for the Western Australian government schools sector was 50.0%.

**Table G1: Response rates WAGS**

State	Sector	Surveys sent	Surveys returned	Response rate (%)
WA	WAGS	166	83	50.0%

### G 2 Sample demographics

The majority of respondents were female (91.6%). The mean age of teachers in the sample was 44.5 years. Most were married (74.7%) and parents (74.7%). Most held bachelor-level qualifications (71.0%) and a small proportion held Masters-level education (6%). One-fifth held only Diploma-level qualifications (21.7%). Classroom teachers having daily face-to-face contact with children formed the bulk of the sample with most from junior primary (36.1%), upper primary (20.5%), and preschool (20.5) positions. This was a very experienced teacher sample with a mean of 19.4 years of teaching service. The majority were employed on a full-time basis (74.7%).

**Table G2: Sample demographics WAGS (categorical variables)**

Variable	Frequency	Percent
<b>Gender</b>		
Male	7	8.4
Female	76	91.6
<b>Marital status</b>		
Single	12	14.5
Married/Cohabiting	62	74.7
Separated/Divorced	8	9.6
Widowed	1	1.2
<b>Parental status</b>		
Parent	62	74.7
Non-Parent	20	24.1
Missing	1	1.2
<b>Qualifications</b>		
Diploma	18	21.7
Bachelor / Grad Diploma	59	71.0
Masters	5	6.0
Missing	1	1.2
<b>Current position</b>		
Teacher K/P	17	20.5
Teacher 1-4	30	36.1
Teacher 5-7	17	20.5
Assistant/Deputy principal	4	4.8
Principal	6	7.2
Specialist Teacher	7	8.4
Counselor/Chaplain	0	0
Others	2	2.4
<b>Employment status</b>		
Permanent (full-time)	62	74.7
Permanent (part-time)	10	12.0
Contract	10	12.0
Relief Teacher	1	1.2

**Table G3: Sample demographics WAGS (continuous variables)**

Variable	Valid number	Minimum	Maximum	Mean	Std. Deviation
Age in years	83	22	65	44.5	10.2
Length of experience in years	82	1	42	19.4	11.1

**G 3 Training**

Respondents had engaged in different types of training about child sexual abuse. Levels of participation in preservice training were generally lower, with only 28.9% of teachers having participated in preservice training related specifically to child sexual abuse. Levels of participation in inservice training were much higher at 86.7%. Teachers in this sample had a mean of 5.8 hours of inservice training.

**Table G4: Training WAGS**

Variable	Frequency	Percent
<b>Preservice training</b>		
Yes	24	28.9
No	59	71.1
<b>Inservice training</b>		
Yes	72	86.7
No	11	13.3
<b>Inservice training in past 12 months</b>		
Yes	13	18.1
No	58	80.6
Missing	1	1.4

From this data, 4 training categories were generated.

**Table G5: Training categories WAGS**

	Frequency	Percent
Both inservice and preservice training	19	22.9
Only inservice training	53	63.9
Only preservice training	5	6.0
No training	6	7.2
<b>Total</b>	<b>83</b>	<b>100</b>

**WA Recommendation 9**

Few teachers had received preservice training. Most WAGS teachers had received inservice training, but few had received it recently. Since teachers with both preservice and inservice training have higher knowledge of legislation and policy, better attitudes to reporting, and are more confident detecting indicators of child sexual abuse (see below), efforts should be made to increase the exposure of as many teachers as possible to preservice training and inservice training.

**G 4 Teachers' actual past reporting practice**

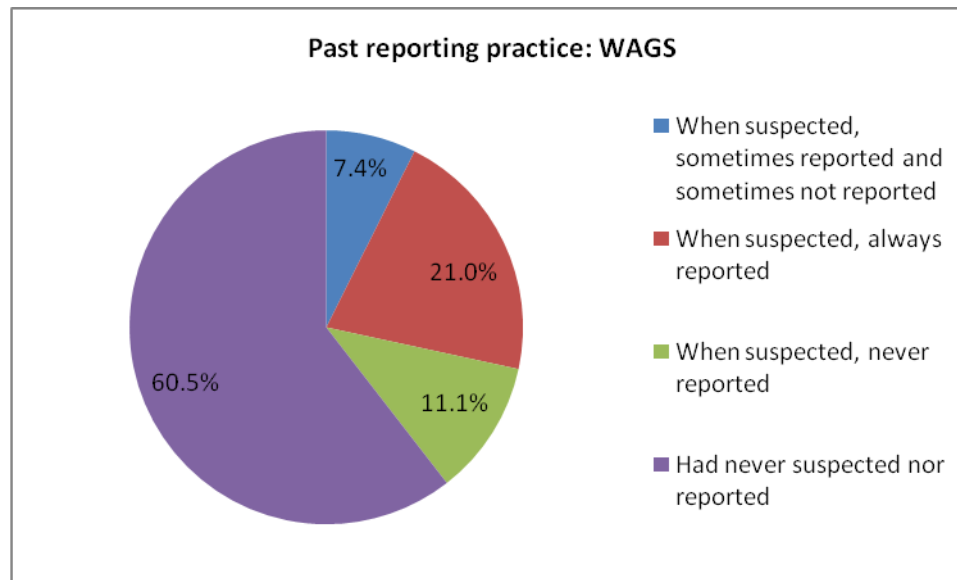
Teachers were asked if they had ever reported child sexual abuse in their teaching career and if they had ever suspected child sexual abuse but decided not to report it. Four categories of reporting practice were generated from these responses:

- more than half of teachers (49/81 - 60.5%) had never suspected child sexual abuse nor reported it.
- one in four (32/81 - 39.5%) had suspected child sexual abuse at some point in their career.
  - of these 32 teachers who had suspected child sexual abuse at some time:
    - 17 (21.0%) stated that they had always reported their suspicions;
    - 9 (11.1%) had never reported their suspicions; and
    - 6 (7.4%) had reported sometimes but not always.

**Table G6: Past reporting practice WAGS**

	Frequency	Percent
When suspected, sometimes reported and sometimes not reported	6	7.4
When suspected, always reported	17	21.0
When suspected, never reported	9	11.1
Had never suspected nor reported	49	60.5
<b>Total</b>	<b>81</b>	<b>100.0</b>

This data is also displayed in a pie chart below.

**Figure G1: Past reporting practice WAGS**

Comparing across sectors, WAGS had the highest incidence of teachers who had, at some time, suspected child sexual abuse. WAGS had the lowest incidence of never reporting when suspecting, that is, the highest rate of failure to report with a reasonable suspicion.

A small number of teachers who, at some time, had failed to report provided information about the key factors influencing their decision. This information was sought using a four-point Likert-type scale with 4 being very important and 1 being not at all important. The main reason given was that they did not believe they had enough evidence to be sure abuse was happening.

**Table G7: Reasons for failure to report WAGS**

Variable	Valid Number	Minimum	Maximum	Mean	Std. Deviation
Did not have enough evidence to be sure	14	3	4	3.8	.4
Feared harm to child	15	1	4	3.2	.8
Thought CPS unlikely to help effectively	15	1	4	2.8	1.2
Feared retaliation by parent(s)/community members	15	1	4	2.8	1.2
Feared being sued for making unsubstantiated report	15	1	4	2.3	1.1
Feared child would be removed from family	14	1	4	2.1	1.0
Concerned about damage school's relationship with child's parents	15	1	4	2.1	1.0
Thought it better to work with the family first	15	1	3	1.9	.9
Did not know how	15	1	3	1.8	.9

*Factors influencing reporting practice*

More complex statistical techniques were used to determine factors influencing reporting practice. To examine the factors associated with teachers' past reporting of child sexual abuse one binary outcome variable was used. Past reporting was defined as teachers' yes/no responses to the TRQ item asking *Have you ever reported child sexual abuse?* Multilevel binomial regression, backwards stepwise, was used to model factors associated with this reporting outcome.

Model estimation began by entering 15 predictor variables: age, gender, parental status, teaching position, teacher's length of experience, training history, past 12 months inservice training, total training in hours, confidence in identifying child sexual abuse, perceived knowledge in identifying child sexual abuse, attitude toward reporting child sexual abuse, policy knowledge, history of suspecting, school location. The variable, legislation knowledge, was omitted from Western Australia analyses because there was no legislation in place at the time of the study and this variable was not part of the WAGS version of the TRQ.

The backward selection procedure was used to identify significant predictor variables such that variables with the lowest p-value were deleted from the model one by one until only those variables that were statistically significant remained in the model. For WAGS there were 3 significant predictors of past reporting: (greater number of) years experience; teaching position (being an upper primary or administrative staff member); and (higher) self-reported confidence in identifying child sexual abuse.

**Table G8: Factors influencing teachers' past reporting WAGS**

Variable	$\beta$ coefficient (SE)	P value	95%CI
Teacher's Length of Experience	0.066(0.033)	0.03	0.001 – 0.131
Teaching position			
Lower Primary (Ref)			
Upper Primary	1.553(0.761)	0.04	0.061 – 3.045
Admin Staff	2.673(1.031)	0.01	0.652 – 4.694
Others	0.151(0.966)	0.87	-1.742 – 2.044
Confidence in identifying CSA	1.089(0.430)	0.01	0.246 – 1.932

#### **WA Recommendation 10**

While only a small proportion of teachers had never reported when suspecting abuse, and reporting practice generally appeared effective, nevertheless, training should emphasise that once a teacher has developed a reasonable suspicion of sexual abuse, a report should be made.

#### **G 5 Teachers' knowledge of the legislative reporting duty**

At the time of the study, there was no legislative duty for teachers to report child sexual abuse, therefore, data on this subsection was omitted for teachers in Western Australia.

#### **G 6 Teachers' knowledge of the policy-based reporting duty**

##### **(a) Awareness of existence of a policy-based reporting duty**

Over three-quarters of teachers (78.3%) were aware of the existence of a policy about reporting child sexual abuse.

##### **(b) Sufficient familiarity with the policy to answer questions about it**

Of the teachers who knew of the existence of a school policy, over half (58.5%) self-reported that they were sufficiently familiar with the policy-based reporting duty to answer questions about it. Teachers who responded that they either did not know their school had a policy, or that they knew of such a policy but were not sufficiently familiar with the policy to answer further questions about it, were directed to proceed to the next section of the questionnaire without answering the questions about policy.

### **WA Recommendation 11**

Significant proportions (more than half) of teachers were not aware of the policy, or were aware of it but lacked sufficiently familiarity with the policy to answer questions about it. Training should ensure that all WAGS teachers are aware of the key features of the policy-based reporting duty.

#### *(c) Knowledge of content of the policy-based reporting duty*

Questions about the content of the legislative reporting duty were custom-made for Western Australia government school teachers focusing on key features of the reporting duty. The questions concerned whether the reporting duty applied only to cases of sexual abuse suspected to have been inflicted by a confined class of perpetrator or to any perpetrator (Suspected perpetrator); whether the teacher had to report when having certainty or only reasonable suspicion (State of mind); whether the duty to report only applied if the harm thought to have been caused was significant (Extent of harm); whether the duty applied only to past sexual abuse or also to risk of future abuse (Past/future); to whom the teacher should make the report (Report destination); when the report must be made (Time of report); how the report must be made (Oral/written report); whether the reporter's identity is protected by the legislation from disclosure (Identity protected); the penalty for failing to report (Penalty); and whether the teacher could be held liable for a report made in good faith that turned out to be unsubstantiated (Liability).

For WAGS teachers, according to the policy, the correct responses were that the reporting duty applies: to all cases regardless of the identity of the suspected perpetrator; where there is reasonable suspicion;<sup>110</sup> only where there is suspected significant harm or risk of significant harm; only to suspected past or presently-occurring abuse (not to risk of future abuse); with the report to be made to the principal or the District director (if a government school teacher) or to the principal or the principal's supervisor (if a non-government school teacher). Table G 9 details the number and percentage of correct and incorrect answers to each question.

**Table G9: Correct and incorrect responses to policy-based reporting duty questions WAGS**

	Correct n(%)	Incorrect n(%)
Suspected perpetrator	38 (100.0%)	0 (0.0%)
State of mind	38 (100.0%)	0 (0.0%)
Extent of harm	33 (86.8%)	5 (13.2%)
Past/future or both	6 (15.8%)	32 (84.2%)
Report destination	32 (84.2%)	6 (15.8%)

Teachers showed universally correct knowledge (100%) regarding the suspected perpetrator and the state of mind (100 per cent), and very high levels of knowledge about the extent of harm (86.8%) and report destination (84.2%). In contrast, a substantial proportion (84.2%) answered incorrectly regarding the requirement to only report suspected past or presently-occurring child sexual abuse.

Across sectors, WAGS teachers had an overall knowledge score comparable to that of QGS teachers, but both fell below that of NSWNGS teachers. This is reflected in an adjusted aggregate policy knowledge score of 1.77 on a 5-point scale. However, it should be noted that significant numbers of respondents did not know enough about the policy to answer questions about it, and among those teachers who actually did answer further questions about the duty there were reasonably high levels of knowledge.

### **WA Recommendation 12**

Training needs to maintain a focus on key features of the policy-based duty. A greater focus should be placed in ensuring general awareness-raising of the policy and all its key features.

<sup>110</sup> The policies in Western Australia sometimes use terms requiring that the teacher have a 'concern', which in this context is synonymous with reasonable suspicion.



## **G 7     Attitudes towards reporting**

Teachers' attitudes towards reporting child sexual abuse were measured using a 21-item scale. Teachers marked their agreement with each statement using a five-point Likert-type scale with 1 representing strongly agree and 5 representing strongly disagree. Items in the scale were expressed both positively and negatively. For example, *Child sexual abuse reporting guidelines are necessary for teachers* (positive) and; *It is a waste of time to report child sexual abuse because no one will follow up on the report* (negative). During data analysis items a, d, e, f, i, l, m, n, q, & s were reverse coded so that, logically, higher scores reflected more positive attitudes. Items were summed to generate a total possible attitude score of 105 which was then proportionately reduced to a score out of 5. WAGS teachers had a mean attitude score of 74.8/105 or 3.6/5.0.

**Table G10: Mean and standard deviation for attitude items: WAGS**

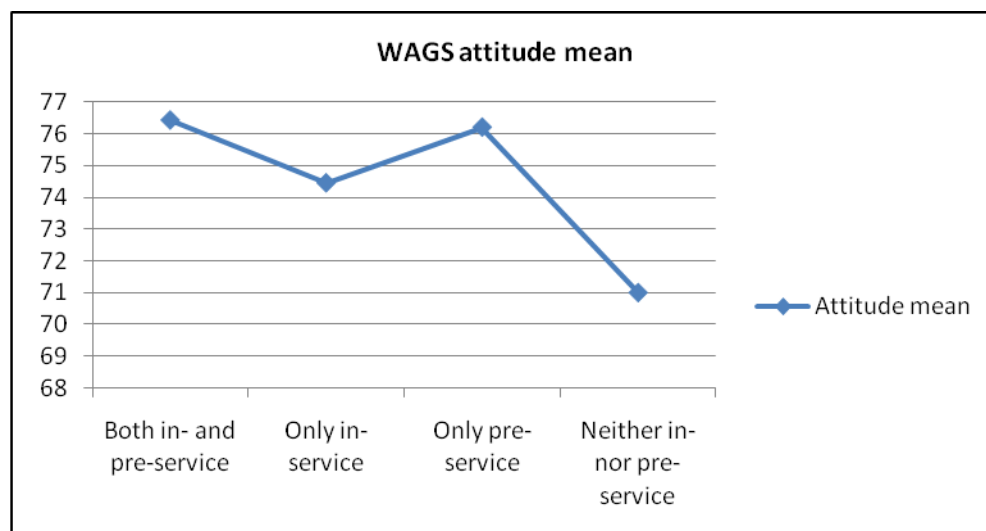
Attitude Item	N	Minimum	Maximum	Mean	Std. Deviation
I plan to report child sexual abuse when I suspect it.*	83	1	5	4.39	0.730
I would be apprehensive to report child sexual abuse for fear of family/community retaliation.	83	0	5	3.33	1.289
I would be reluctant to report a case of child sexual abuse because of what parents will do to the child if he/she is reported.	83	1	5	3.31	1.157
The procedures for reporting child sexual abuse are familiar to me.*	83	0	5	3.36	1.284
I would like to fulfil my professional responsibility by reporting suspected cases of child sexual abuse.*	83	0	5	4.40	0.780
Reporting child sexual abuse is necessary for the safety of children.*	83	0	5	4.71	0.672
I feel emotionally overwhelmed by the thought of reporting child sexual abuse.	83	1	5	2.95	1.209
I would not report child sexual abuse if I knew the child would be removed from their home/family.	83	1	5	4.25	0.778
Reporting child sexual abuse can enable services to be made available to children and families.*	83	1	5	3.99	0.943
I would consider not reporting child sexual abuse because of the possibility of being sued.	83	1	5	3.99	1.018
There is a lot of sensitivity associated with reporting child sexual abuse.	83	1	4	1.40	0.661
Child sexual abuse reporting guidelines are necessary for teachers.*	83	3	5	4.75	0.464
It is important for teachers to be involved in reporting child sexual abuse to prevent long-term consequences for children.*	83	2	5	4.52	0.632
I believe that the current system for reporting child sexual abuse is effective in addressing the problem.*	83	1	5	2.89	1.036
Teachers who report child sexual abuse that is unsubstantiated can get into trouble.	83	1	5	3.07	0.997
It is a waste of time to report child sexual abuse because no one will follow up on the report.	83	1	5	3.58	0.885
I would still report child sexual abuse even if my school administration disagreed with me.*	83	1	5	3.11	1.036
I lack confidence in the authorities to respond effectively to reports of child sexual abuse.	83	1	5	2.83	1.022
I will consult with an administrator before I report child sexual abuse.*	83	1	5	4.57	0.752
I would find it difficult to report child sexual abuse because it is hard to gather enough evidence.	83	1	5	2.86	1.231
A child sexual abuse report can cause a parent to become more abusive toward the child.	83	1	4	2.52	0.755
<b>Total score</b>	<b>83</b>	<b>55</b>	<b>93</b>	<b>74.76</b>	<b>8.388</b>

\* indicates items that were reverse coded during analysis.

**Table G11: Attitude scores WAGS**

	Valid Number	Minimum	Maximum	Mean	Std. Deviation
Total Attitude Score (out of 105)	83	55	93	74.8	8.4
Total Attitude Score (out of 5)*	83	3	4	3.6	.4

Attitudes were distributed differently among the participants according to their history of training as shown below. Teachers with both inservice and preservice training held more positive attitudes towards reporting child sexual abuse but this was not as pronounced in WAGS as it was in other sectors.



**Figure G2: Attitude mean by service type WAGS**

### **WA Recommendation 13**

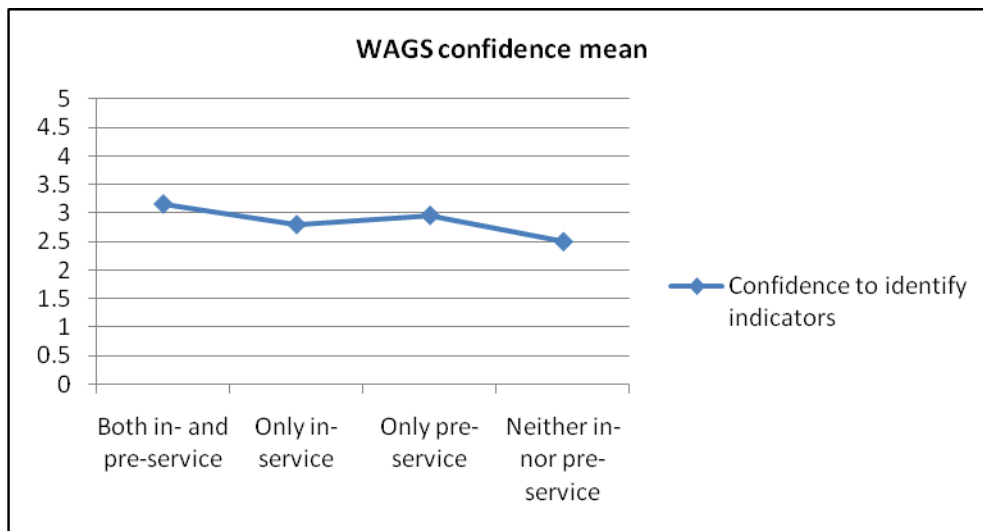
Teachers' attitudes towards reporting were consistently good, but teachers with both preservice and inservice training had more positive attitudes. This is a sound basis on which to build further training efforts. Attitudes may be monitored periodically to determine whether any changes are occurring which might affect reporting practices.

## **G 8 Confidence**

Teachers' confidence in their own ability to detect the indicators of child sexual abuse was measured with one questionnaire item using a five-point Likert-type scale with 1 indicating no confidence and 5 indicating a great deal of confidence. Eighty-three teachers answered this item. The mean confidence score for Western Australian government school teachers was 3.0 (sd 0.9).

Pearson correlation was used to identify the level of association between confidence in identifying indicators of child sexual abuse and a range of other variables. A significant and high level of association was found between teachers' confidence in identifying indicators and their self-reported knowledge of the indicators of child sexual abuse ( $r = 0.8$ ,  $p < .01$ ). A significant but low level of association was found between teachers' confidence in identifying indicators and their overall policy knowledge score ( $r = 0.27$ ,  $p < .01$ ).

Self-reported confidence in their ability to identify indicators of child sexual abuse was distributed differently among the participants according to their history of training as shown below. Those with both inservice and preservice training had higher confidence levels.



**Figure G3: Confidence mean by service type WAGS**

# PART H: TEACHER REPORTING SURVEY: WESTERN AUSTRALIA

## NON-GOVERNMENT SCHOOLS

### H 1 Response rates

The response rate for the Western Australia non-government schools sector was 66.3%

**Table H1: Response rates WANGS**

State	Sector	Surveys sent	Surveys returned	Response rate (%)
WA	WANGS	89	59	66.3%

### H 2 Sample demographics

The majority of respondents were female (88.1%). The mean age of teachers in the sample was 42.0 years. Most were married (72.9%) and parents (59.3%). The majority held bachelor-level qualifications (83.1%), one in ten held Diploma-level qualifications (10.2%) and a small proportion held Masters-level education (5.1%). Classroom teachers having daily face-to-face contact with children formed the bulk of the sample with equivalent proportions from junior primary (25.4%), upper primary (25.4%), and fewer from preschool (13.6%) positions. This was an experienced teacher sample with a mean of 15.0 years of teaching service. The majority were employed on a full-time basis (67.8%).

**Table H2: Sample demographics WANGS (categorical variables)**

Variable	Frequency	Percent
<b>Gender</b>		
Male	7	11.9
Female	52	88.1
<b>Marital Status</b>		
Single	11	18.6
Married/Cohabiting	43	72.9
Separated/Divorced	5	8.5
Widowed	0	0
<b>Parental status</b>		
Parent	35	59.3
Non-parent	24	40.7
<b>Qualifications</b>		
Diploma	6	10.2
Bachelor/Grad Diploma	49	83.1
Masters	3	5.1
Others	1	1.7
<b>Current position</b>		
Teacher K/P	8	13.6
Teacher 1-4	15	25.4
Teacher 5-7	15	25.4
Assistant/Deputy Principal	2	3.4
Principal	4	6.8
Specialist Teacher	9	15.3
Counselor/Chaplain	2	3.4
<b>Employment status</b>		
Permanent (full-time)	40	67.8
Permanent (part-time)	11	18.6

Variable	Frequency	Percent
Contract	8	13.6

**Table H3: Sample demographics WANGS (continuous variables)**

Variable	Valid Number	Minimum	Maximum	Mean	Std. Deviation
Age in years	58	23	62	42.0	10.6
Length of experience in years	59	1	34	15.0	9.5

### H 3 Training

Respondents had engaged in different types of training about child sexual abuse. Levels of participation in preservice training were generally lower, with only 22.9% of teachers having participated in preservice training related specifically to child sexual abuse. Levels of participation in inservice training were very low with only 23.7% of teachers indicating they had received this training. Comparing across sectors, WANGS teachers had the lowest inservice training levels.

**Table H4: Training WANGS**

Variable	Frequency	Percent
<b>Preservice training in CSA</b>		
Yes	13	22.0
No	46	78.0
<b>Inservice training in CSA</b>		
Yes	14	23.7
No	45	76.3
<b>Inservice training in past 12 months</b>		
Yes	6	43
No	8	57

From this data, 4 training categories were generated.

**Table H5: Training categories WANGS**

	Frequency	Percent
Both inservice and preservice training	5	8.5
Only inservice training	9	15.3
Only preservice training	8	13.6
No training	37	62.7
<b>Total</b>	<b>59</b>	<b>100.0</b>

#### **WA Recommendation 9**

Few WANGS teachers had received either preservice or inservice training. Since teachers with both preservice and inservice training have higher knowledge of legislation and policy, better attitudes to reporting, and are more confident detecting indicators of child sexual abuse (see below), efforts should be made to increase the exposure of as many teachers as possible to preservice training and inservice training.

### H 4 Teachers' actual past reporting practice

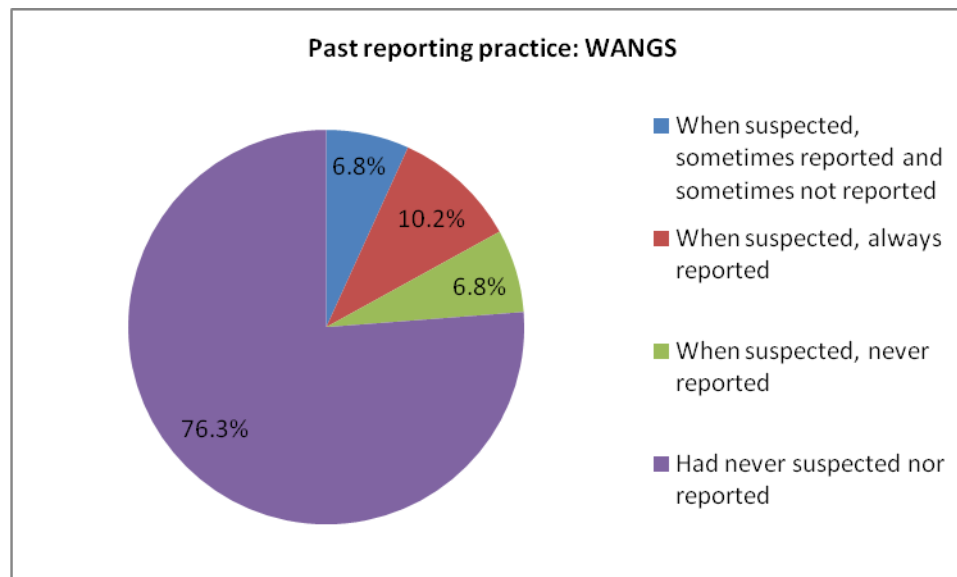
Teachers were asked if they had ever reported child sexual abuse in their teaching career and if they had ever suspected child sexual abuse but decided not to report it. Four categories of reporting practice were generated from these responses.:

- over three-quarters (76.3%) of the sample had never suspected child sexual abuse nor reported it.
- one in four (23.7%) had suspected child sexual abuse at some point in their career.
- of this small subgroup of 14 teachers who had suspected child sexual abuse at some time:
  - 6 (10.2%) stated that they had always reported their suspicions;
  - 4 (6.8%) had never reported their suspicions; and
  - 4 (6.8%) had reported sometimes but not always.

**Table H6: Past reporting practice WANGS**

	Frequency	Percent
When suspected, sometimes reported and sometimes not reported	4	6.8
When suspected, always reported	6	10.2
When suspected, never reported	4	6.8
Had never suspected nor reported	45	76.3
<b>Total</b>	<b>59</b>	<b>100.0</b>

This data is also displayed in a pie chart below.

**Figure H1: Past reporting practice WANGS**

Comparing across sectors, WANGS had the highest proportion of teachers who had never suspected nor reported child sexual abuse, and the lowest frequency of teachers who had always reported when they suspected child sexual abuse.

A very small number of teachers who, at some time, had failed to report provided information about the key factors influencing their decision. This information was sought using a four-point Likert-type scale with 4 being very important and 1 being not at all important. The main reason given was that they did not believe they had enough evidence to be sure abuse was happening.

**Table H7: Reasons for failure to report WANGS**

Variable	Valid Number	Minimum	Maximum	Mean	Std. Deviation
Did not have enough evidence to be sure	8	1	4	3.1	1.1
Thought CPS unlikely to help effectively	8	1	3	2.0	.9
Feared child would be removed from family	7	1	3	2.0	.8
Feared harm to child	8	1	3	1.8	.9
Concerned about damage school's relationship with child's parents	8	1	3	1.8	.7
Did not know how	8	1	3	1.8	.7
Feared retaliation by parent(s)/community members	8	1	3	1.6	.7
Feared being sued for making unsubstantiated report	8	1	2	1.5	.5
Thought it better to work with the family first	8	1	3	1.5	.9

### *Factors influencing reporting practice*

More complex statistical techniques were used to determine factors influencing reporting practice. To examine the factors associated with teachers' past reporting of child sexual abuse one binary outcome variable was used. Past reporting was defined as teachers' yes/no responses to the TRQ item asking *Have you ever reported child sexual abuse?* Multilevel binomial regression, backwards stepwise, was used to model factors associated with this reporting outcome.

Model estimation began by entering 15 predictor variables: age, gender, parental status, teaching position, teacher's length of experience, training history, past 12 months inservice training, total training in hours, confidence in identifying child sexual abuse, perceived knowledge in identifying child sexual abuse, attitude toward reporting child sexual abuse, legislation knowledge, policy knowledge, history of suspecting, school location. The variable, legislation knowledge, was omitted from Western Australia analyses because there was no legislation in place at the time of the study and this variable was not part of the WANGS version of the TRQ.

The backward selection procedure was used to identify significant predictor variables such that variables with the lowest p-value were deleted from the model one by one until only those variables that were statistically significant remained in the model. For WANGS there were 2 significant predictors of past reporting: having a previous history of suspecting child sexual abuse; and (higher levels of) self-reported knowledge of the indicators of child sexual abuse.

**Table H8: Factors influencing teachers' past reporting WANGS**

Variable	$\beta$ coefficient (SE)	P value	95%CI
History of suspecting	2.312(0.964)	0.02	0.423 – 4.20
Knowledge in identifying CSA	1.527(0.577)	0.008	0.396 – 2.658

### **WA Recommendation 10**

While only a small proportion of teachers had never reported when suspecting abuse, and reporting practice generally appeared effective, nevertheless, training should emphasise that once a teacher has developed a reasonable suspicion of sexual abuse, a report should be made.

### **H 5 Teachers' knowledge of the legislative reporting duty**

At the time of the study, there was no legislative duty for teachers' to report child sexual abuse, therefore, data on this subsection was omitted for teachers in Western Australia.

### **H 6 Teachers' knowledge of the policy-based reporting duty**

#### *(a) Awareness of existence of a policy-based reporting duty*

Less than one-quarter of teachers (23.7%) were aware of the existence of a policy about reporting child sexual abuse.

#### *(b) Sufficient familiarity with the policy to answer questions about it*

Of the teachers who knew of the existence of a school policy, only a very small proportion (11.9%) self-reported that they were sufficiently familiar with the policy-based reporting duty to answer questions about it. Teachers who responded that they either did not know their school had a policy, or that they knew of such a policy but were not sufficiently familiar with the policy to answer further questions about it, were directed to proceed to the next section of the questionnaire without answering the questions about policy.

### **WA Recommendation 11**

Very significant proportions of teachers were not aware of the policy, or were aware of it but lacked sufficiently familiarity with the policy to answer questions about it. Only 6 out of 59 respondents from WANGS had sufficient familiarity with the policy to



answer questions about it. Training should ensure that all WANGS teachers are aware of the key features of the policy-based reporting duty.

*(c) Knowledge of content of the policy-based reporting duty*

Questions about the content of the legislative reporting duty were custom-made for Western Australia non-government school teachers focusing on key features of the reporting duty. The questions concerned whether the reporting duty applied only to cases of sexual abuse suspected to have been inflicted by a confined class of perpetrator or to any perpetrator (Suspected perpetrator); whether the teacher had to report when having certainty or only reasonable suspicion (State of mind); whether the duty to report only applied if the harm thought to have been caused was significant (Extent of harm); whether the duty applied only to past sexual abuse or also to risk of future abuse (Past/future); to whom the teacher should make the report (Report destination); when the report must be made (Time of report); how the report must be made (Oral/written report); whether the reporter's identity is protected by the legislation from disclosure (Identity protected); the penalty for failing to report (Penalty); and whether the teacher could be held liable for a report made in good faith that turned out to be unsubstantiated (Liability).

For Western Australian non-government school teachers, according to the policy, the correct responses were that the reporting duty applies: to all cases regardless of the identity of the suspected perpetrator; where there is reasonable suspicion;<sup>111</sup> only where there is suspected significant harm or risk of significant harm; only to suspected past or presently-occurring abuse (not to risk of future abuse); with the report to be made to the principal or the District director (if a government school teacher) or to the principal or the principal's supervisor (if a non-government school teacher). Table H 9 details the number and percentage of correct and incorrect answers to each question.

**Table H9: Correct and incorrect responses to policy-based reporting duty questions WANGS**

	Correct n(%)	Incorrect n(%)
Suspected perpetrator	6 (100.0%)	0 (0.0%)
State of mind	6(100.0%)	0 (0.0%)
Extent of harm	5 (83.3%)	1 (16.7%)
Past/future or both	2 (33.3%)	4 (66.7%)
Report destination	4 (66.7%)	2 (33.3%)

Because such a small number of teachers completed the policy knowledge items, this data should be treated with caution. Of the very small number of respondents who attempted the policy knowledge items, teachers showed universally correct knowledge (100%) regarding the suspected perpetrator and the state of mind (100%), and high levels of knowledge about the extent of harm (83.3%). Correct knowledge of report destination was lower (66.7%). Two-thirds (66.7%) answered incorrectly regarding the requirement to only report suspected past or presently-occurring child sexual abuse.

Comparing across sectors, WANGS teachers had the lowest overall policy knowledge score. This amounted to an adjusted aggregate policy knowledge score of 0.44 on a 5-point scale. However, it should be noted that the vast proportion of respondents did not know enough about the policy to answer questions about it, yet among those teachers who actually did answer further questions about the duty there were reasonably high levels of knowledge on all but one domain.

**WA Recommendation 12**

Training needs to maintain a focus on all key features of the policy-based duty. A greater focus should be placed in ensuring general awareness-raising of the policy and all its key features.

<sup>111</sup> The policies in Western Australia sometimes use terms requiring that the teacher have a 'concern', which in this context is synonymous with reasonable suspicion.

## **H 7      Attitudes towards reporting**

Teachers' attitudes towards reporting child sexual abuse were measured using a 21-item scale. Teachers marked their agreement with each statement using a five-point Likert-type scale with 1 representing strongly agree and 5 representing strongly disagree. Items in the scale were expressed both positively and negatively. For example, *Child sexual abuse reporting guidelines are necessary for teachers* (positive) and; *It is a waste of time to report child sexual abuse because no one will follow up on the report* (negative). During data analysis items a, d, e, f, i, l, m, n, q, & s were reverse coded so that, logically, higher scores reflected more positive attitudes. Items were summed to generate a total possible attitude score of 105 which was then proportionately reduced to a score out of 5. WANGS teachers had a mean attitude score of 74.3/105 or 3.5/5.0.

**Table H10: Mean and standard deviation for attitude items: WANGS**

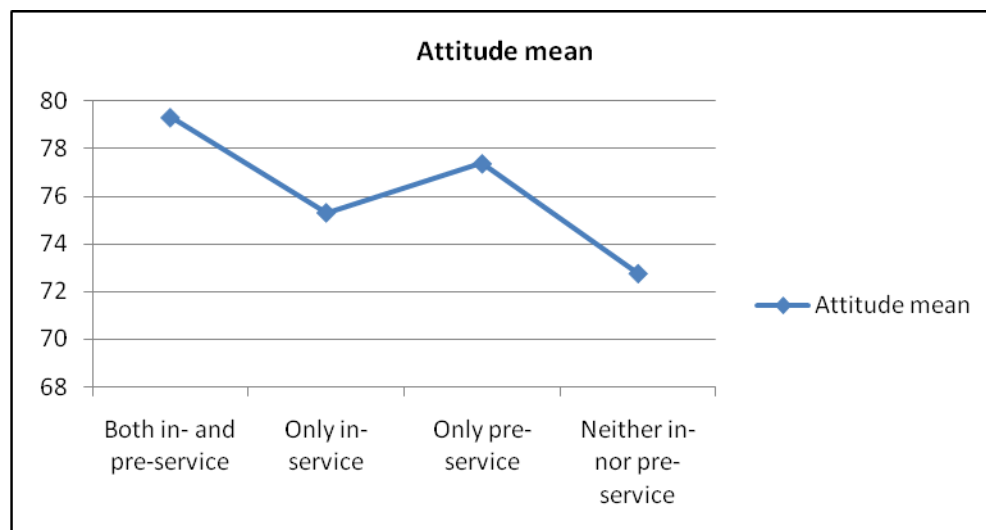
Attitude Item	N	Minimum	Maximum	Mean	Std. Deviation
I plan to report child sexual abuse when I suspect it.*	59	3	5	4.41	.698
I would be apprehensive to report child sexual abuse for fear of family/community retaliation.	59	2	5	3.51	1.040
I would be reluctant to report a case of child sexual abuse because of what parents will do to the child if he/she is reported.	59	1	5	3.15	1.031
The procedures for reporting child sexual abuse are familiar to me.*	59	1	5	2.78	1.161
I would like to fulfil my professional responsibility by reporting suspected cases of child sexual abuse.*	59	2	5	4.51	.626
Reporting child sexual abuse is necessary for the safety of children.*	59	4	5	4.80	.406
I feel emotionally overwhelmed by the thought of reporting child sexual abuse.	59	1	5	2.93	1.324
I would not report child sexual abuse if I knew the child would be removed from their home/family.	59	3	5	4.07	.583
Reporting child sexual abuse can enable services to be made available to children and families.*	59	3	5	4.22	.618
I would consider not reporting child sexual abuse because of the possibility of being sued.	59	2	5	3.81	.919
There is a lot of sensitivity associated with reporting child sexual abuse.	59	1	4	1.47	.653
Child sexual abuse reporting guidelines are necessary for teachers.*	59	4	5	4.66	.477
It is important for teachers to be involved in reporting child sexual abuse to prevent long-term consequences for children.*	59	2	5	4.51	.679
I believe that the current system for reporting child sexual abuse is effective in addressing the problem.*	59	1	4	2.90	.736
Teachers who report child sexual abuse that is unsubstantiated can get into trouble.	59	1	5	2.76	.989
It is a waste of time to report child sexual abuse because no one will follow up on the report.	59	2	5	3.67	.838
I would still report child sexual abuse even if my school administration disagreed with me.*	59	1	5	3.19	.991
I lack confidence in the authorities to respond effectively to reports of child sexual abuse.	59	1	5	3.15	.925
I will consult with an administrator before I report child sexual abuse.*	59	2	5	4.46	.678
I would find it difficult to report child sexual abuse because it is hard to gather enough evidence.	59	1	5	2.78	.983
A child sexual abuse report can cause a parent to become more abusive toward the child.	59	1	4	2.60	.716
<b>Total score</b>	<b>59</b>	<b>57</b>	<b>90</b>	<b>74.33</b>	<b>7.209</b>

\* indicates items that were reverse coded during analysis.

**Table H11: Attitude scores WANGS**

	Valid Number	Minimum	Maximum	Mean	Std. Deviation
Total Attitude Score (out of 105)	59	57	90	74.3	7.2
Total Attitude Score (out of 5)*	59	2.7	4.3	3.5	.34

Attitudes were distributed differently among the participants according to their history of training as shown below. Teachers with both inservice and preservice training held more positive attitudes towards reporting child sexual abuse.



**Figure H2: Attitude mean by service type WANGS**

### **WA Recommendation 13**

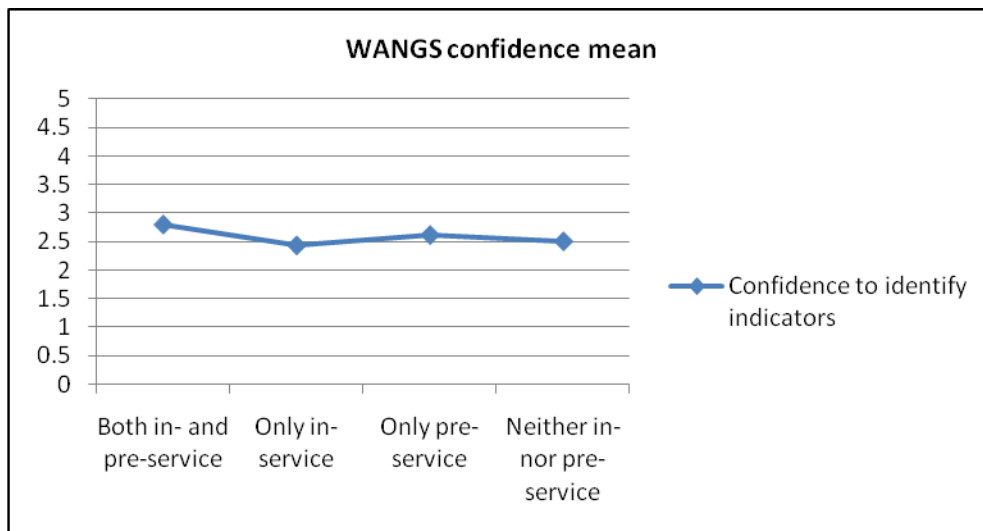
Teachers' attitudes towards reporting were consistently good, but teachers with both preservice and inservice training had more positive attitudes. This is a sound basis on which to build further training efforts. Attitudes may be monitored periodically to determine whether any changes are occurring which might affect reporting practices.

## **H 8 Confidence**

Teachers' confidence in their own ability to detect the indicators of child sexual abuse was measured with one questionnaire item using a five-point Likert-type scale with 1 indicating no confidence and 5 indicating a great deal of confidence. All fifty-nine teachers answered this item. The mean confidence score for Western Australian non-government school teachers was 2.5 (sd 0.8).

Pearson correlation was used to identify the level of association between confidence in identifying indicators of child sexual abuse and a range of other variables. A significant level of association was found between teachers' confidence in identifying indicators and their self-reported knowledge of the indicators of child sexual abuse ( $r = 0.69$ ,  $p < .01$ ). A significant but low level of association was found between teachers' confidence in identifying indicators and their overall policy knowledge score ( $r = 0.27$ ,  $p < .05$ ).

Self-reported confidence in their ability to identify indicators of child sexual abuse was distributed differently among the participants according to their history of training as shown below. Those with both inservice and preservice training had higher confidence levels.



**Figure H3: Confidence mean by service type WANGS**

# PART I: TEACHER REPORTING SURVEYS: COMPARATIVE SNAPSHOTS

## I 1 Training

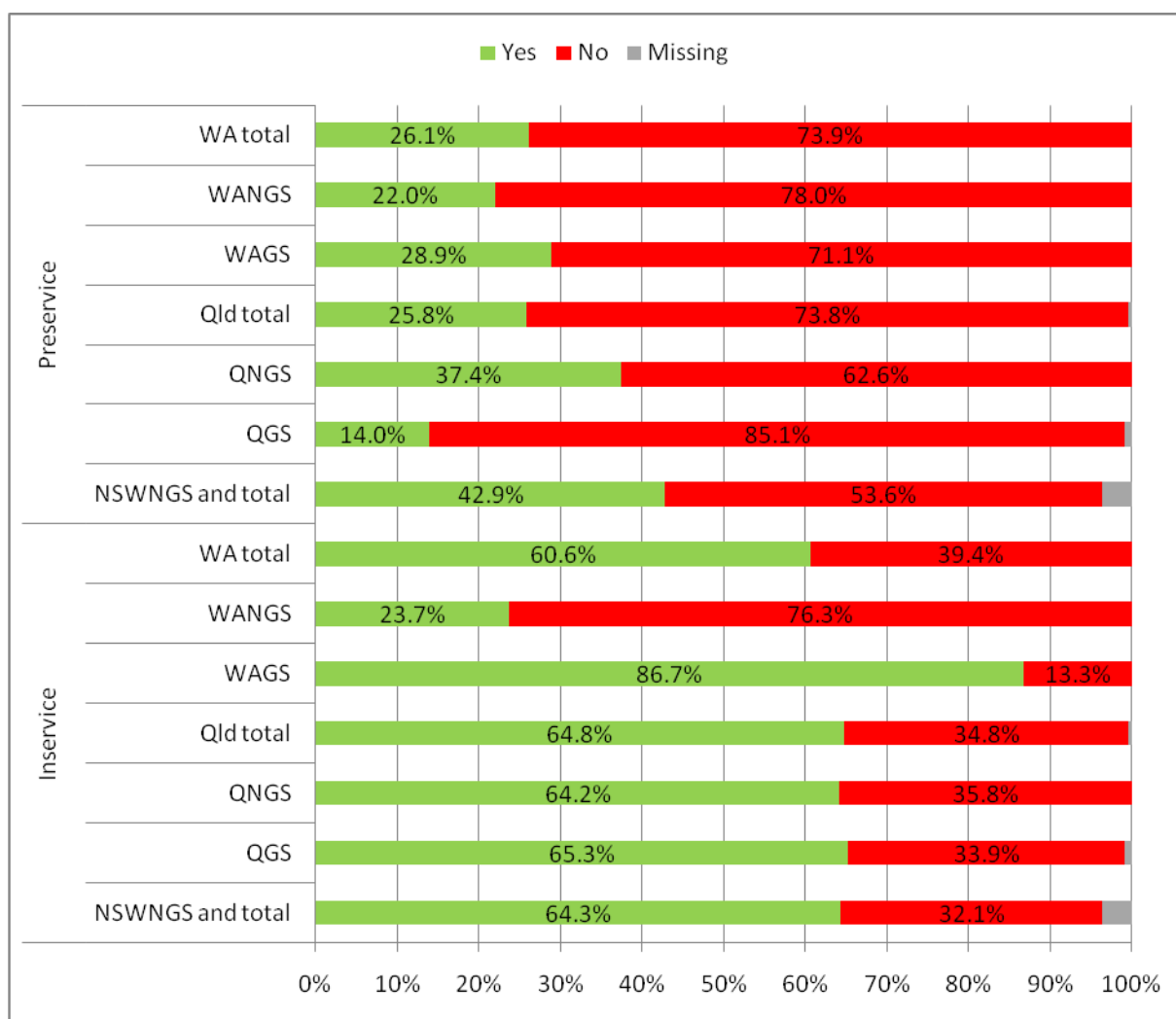
Across all sectors there was a trend towards higher levels of participation in inservice training than preservice training. Levels of participation in inservice training related to child abuse and neglect were highest for WAGS (86.7%). Lower, but similar levels of inservice training were evident for NSWNGS (64.3%), QGS (65.3%) and QNGS (64.2%). The lowest levels for inservice training were found for WANGS (23.7%).

Proportions of teachers in each sector who had received preservice training varied considerably, with 14.0% (QGS), 22.0% (WANGS), 28.9% (WAGS), 37.4% (QNGS) and 42.9% (NSWNGS) having participated in preservice training related *specifically* to child sexual abuse. These results support those of a recent Australia-wide study of child protection content in tertiary teacher education programs which found 76.6% of programs did not include any child protection content.<sup>112</sup>

**Table I 1: Preservice and inservice training by State and sector**

Training		NSWNGS and total	QGS	QNGS	Qld total	WAGS	WANGS	WA total
Inservice	Yes	54 (64.3%)	79 (65.3%)	79 (64.2%)	158 (64.8%)	72 (86.7%)	14 (23.7%)	86 (60.6%)
	No	27 (32.1%)	41 (33.9%)	44 (35.8%)	85 (34.8%)	11 (13.3%)	45 (76.3%)	56 (39.4%)
	Missing	3 (3.6%)	1 (0.8%)	0 (0%)	1 (0.4%)	0 (0%)	0 (0.0%)	0 (0.0%)
	Total	84 (100.0%)	121 (100.0%)	123 (100.0%)	244 (100.0%)	83 (100.0%)	59 (100.0%)	142 (100.0%)
Preservice	Yes	36 (42.9%)	17 (14%)	46 (37.4%)	63 (25.8%)	24 (28.9%)	13 (22%)	37 (26.1%)
	No	45 (53.6%)	103 (85.1%)	77 (62.6%)	180 (73.8%)	59 (71.1%)	46 (78%)	105 (73.9%)
	Missing	3 (3.6%)	1 (0.8%)	0 (0%)	1 (0.4%)	0 (0%)	0 (0%)	0 (0.0%)
	Total	84 (100.0%)	121 (100.0%)	123 (100.0%)	244 (100.0%)	83 (100.0%)	59 (100%)	142 (100.0%)

<sup>112</sup> Lyn Arnold and Carmel Maio-Taddeo, *Professionals Protecting Children: Child Protection and Teacher Education in Australia*, Adelaide, South Australia: Australian Centre for Child Protection, 2007.



**Figure I 1: Preservice and inservice training by State and sector**

## **I 2 Teachers' actual past reporting practice**

### **(a) Past reporting practice**

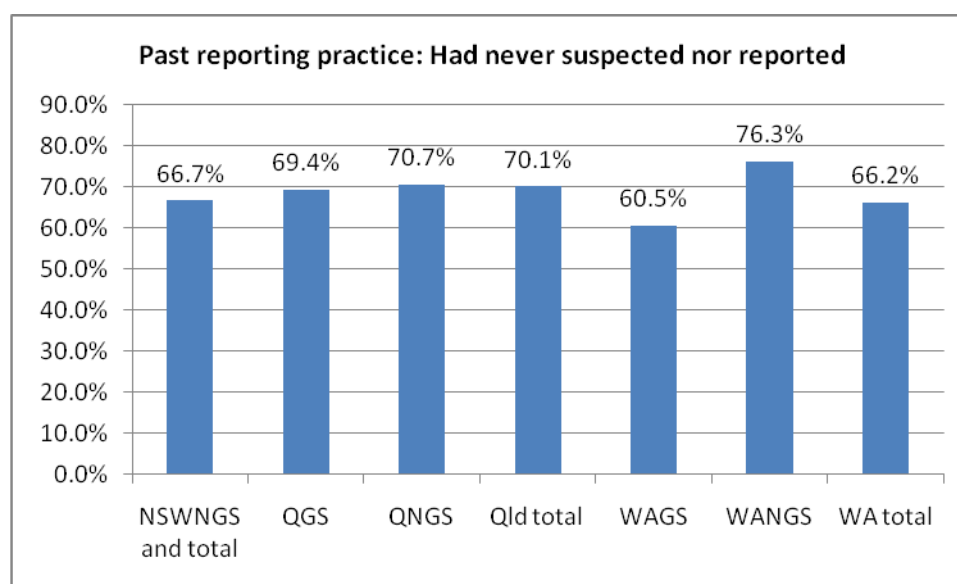
Teachers were asked if, in their capacity as a primary school staff member, they had ever reported child sexual abuse. They were also asked if they had ever suspected child sexual abuse but had decided not to report it. From this data, four categories of reporting practice were identified: those who, when suspecting child sexual abuse, had sometimes reported but sometimes not reported; those who when suspecting, had always reported; those who when suspecting had never reported; and those who had neither suspected nor reported. Table I 2 provides results by State and sector.

**Table I 2: Past reporting practice by State and sector**

Group of reporter	NSWNGS and total	QGS	QNGS	Qld total	WAGS	WANGS	WA total
When suspected, sometimes reported and sometimes not reported	3 (3.6%)	9 (7.4%)	3 (2.4%)	12 (4.9%)	6 (7.4%)	4 (6.8%)	10 (7.1%)
When suspected, always reported	20 (23.8%)	22 (18.2%)	22 (17.9%)	44 (18.0%)	17 (21.0%)	6 (10.2%)	23 (16.2%)
When suspected, never reported	4 (4.8%)	6 (5.0%)	10 (8.1%)	16 (6.6%)	9 (11.1%)	4 (6.8%)	13 (9.2%)
Had never suspected nor reported	56 (66.7%)	84 (69.4%)	87 (70.7%)	171 (70.1%)	49 (60.5%)	45 (76.3%)	94 (66.2%)
Total	83 (100.0%)	121 (100.0%)	123 (100.0%)	244 (100.0%)	81 (100.0%)	59 (100.0%)	140 (100.0%)

### ***Had never suspected nor reported child sexual abuse***

The majority of teachers in this sample had never suspected nor reported child sexual abuse. At State level results were reasonably even. Queensland had the highest proportion of teachers who had never suspected nor reported (70.1%) followed by NSW (66.7%) and WA (66.2%). At sector level, the frequency of teachers who had never suspected child sexual abuse nor reported ranged from 60.5% (WAGS) to 76.3% (WANGS).

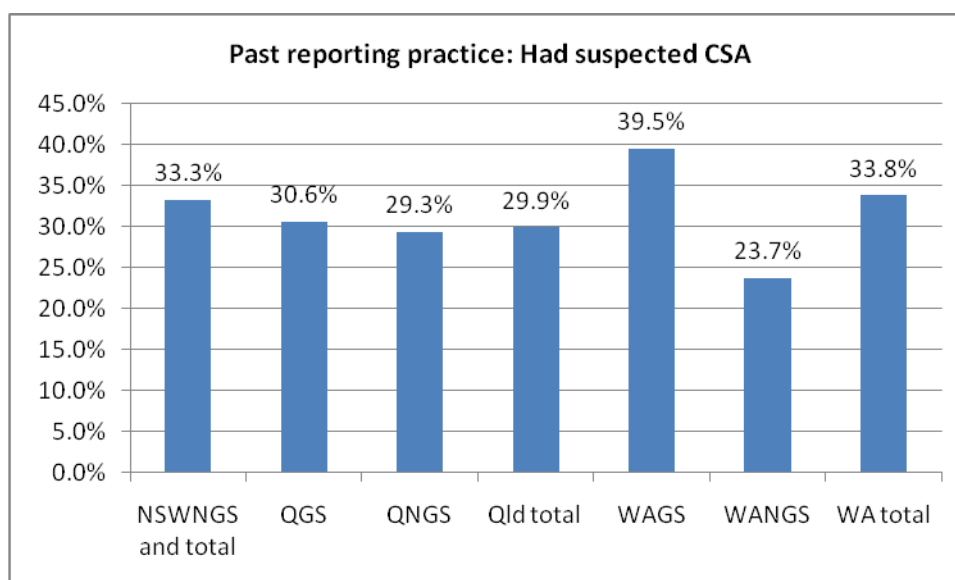


**Figure I 2: Past reporting practice: Had never suspected nor reported**

### ***Had suspected child sexual abuse***

Approximately one third of teachers (n=145) had, at some time, suspected child sexual abuse. At State level results were relatively even. Western Australia had the highest proportion of teachers who had suspected at some time (33.8%) followed by NSW (33.3%) and Queensland (29.9%). However, there was variation between sectors: while QGS (30.6%), QNGS (29.3%) and NSWNGS (33.3%) were similar, WAGS was somewhat higher (39.5%) and WANGS somewhat lower (23.7%).

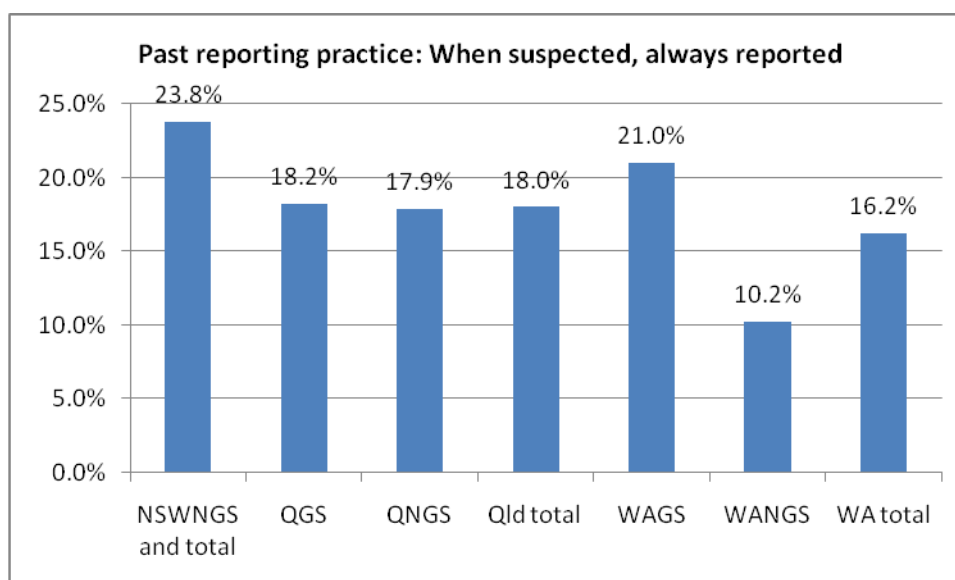




**Figure I 3: Past reporting practice: Had suspected child sexual abuse at some time**

#### ***When suspected always reported***

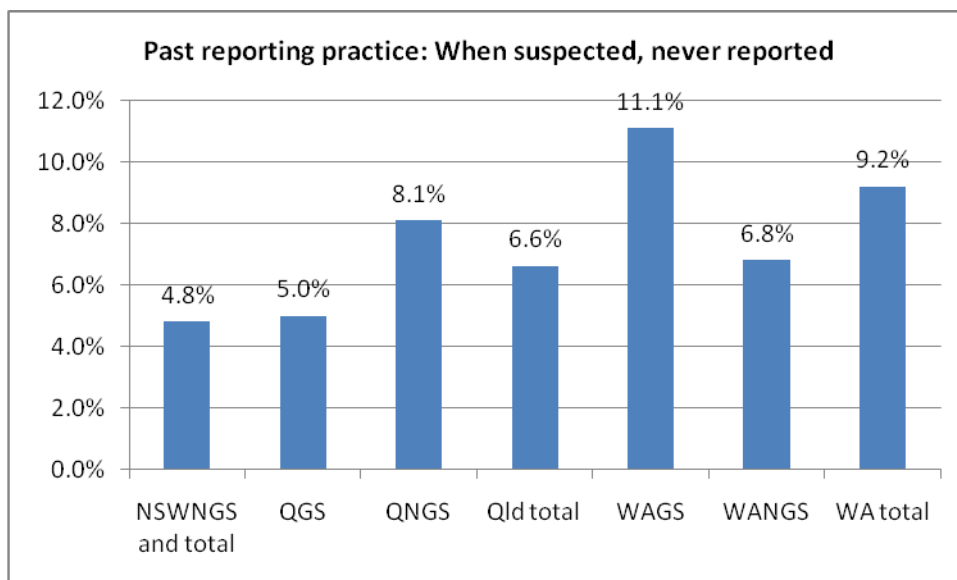
Of the 145 teachers who had, at some time, suspected child sexual abuse, there was variation between States in frequency of always reporting when suspecting (i.e. consistent reporting), with NSWNGS having the highest proportion (23.8%), followed by Queensland (18.0%), and Western Australia (16.2%). Between sectors there was also variation: NSWNGS (23.8%) was highest; WAGS was next (21.0%); QGS (18.2%) and QNGS (17.9%) were similar; but WANGS was much lower (10.2%).



**Figure I 4: Past reporting practice: When suspected, always reported**

#### ***When suspected, never reported***

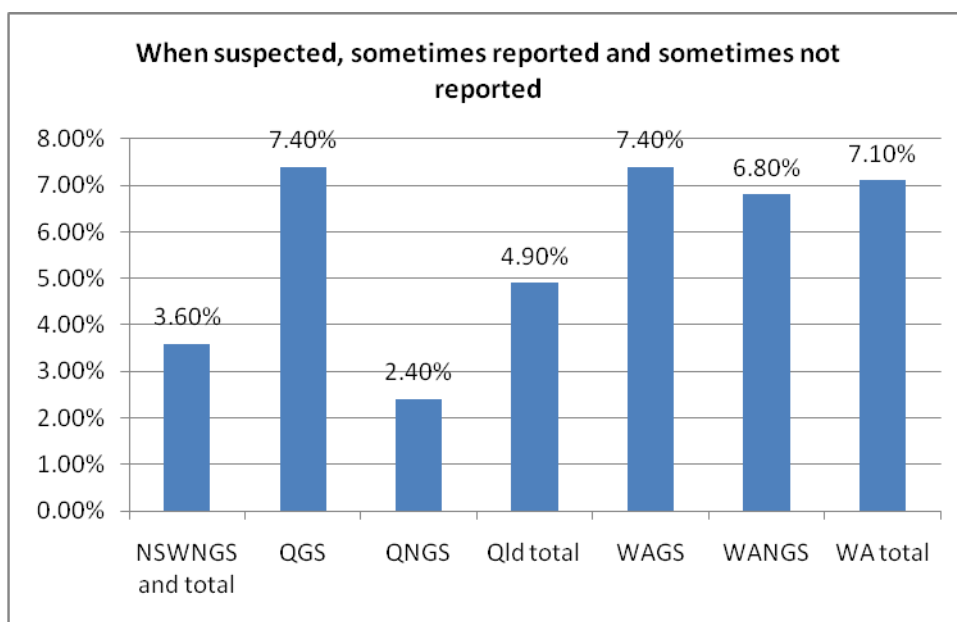
Of the 145 teachers who had, at some time, suspected child sexual abuse there were substantial differences between States in rates of never reporting when suspecting, that is, of outright failure to report: with NSWNGS having the lowest proportion (4.8%) followed by Queensland (6.6%), and WA (9.2%). Again there were differences across sectors ranging from NSWNGS lowest (4.8%) to WAGS highest (11.1%).



**Figure I 5: Past reporting practice: When suspected, never reported**

***When suspected, sometimes reported and sometimes not reported***

Of the 145 teachers who had, at some time, suspected child sexual abuse there were differences between States in proportions of teachers who, when suspecting, had reported at some times but not at others (i.e. discretionary reporting). NSW had the lowest levels of discretionary reporting (3.6%), followed by Queensland (4.9%) and WA (7.4%). By sector the range was 2.4% (QNGS) to 7.4% (QGS and WAGS).



**Figure I 6: Past reporting practice: When suspected, sometimes reported and sometimes not reported**

### 13 Teachers' knowledge of the legislative reporting duty

Teachers were asked a series of questions about their legislative reporting duty. This series of questions involved respondents from only three sectors NSWNGS, QGS, and QNGS.<sup>113</sup>

#### (a) Sufficient familiarity with the legislative duty to answer questions about it

To prevent undesirable distortion of the data, teachers were first asked if they were sufficiently familiar with their reporting duty under the legislation to answer questions about it. Figure I 7 shows the number and percentage of teachers in Queensland and New South Wales, by sector, who possessed sufficient familiarity.

Results showed that across the entire sample, slightly more than half of the teachers overall (53.4 per cent) indicated they were sufficiently familiar with the legislation to answer questions about it.

New South Wales teachers (74.7%) self-reported significantly more familiarity with the legislation than their Queensland counterparts (46.1%). There were comparable levels of familiarity in the QGS (48.3%) and QNGS (43.9%) sectors.

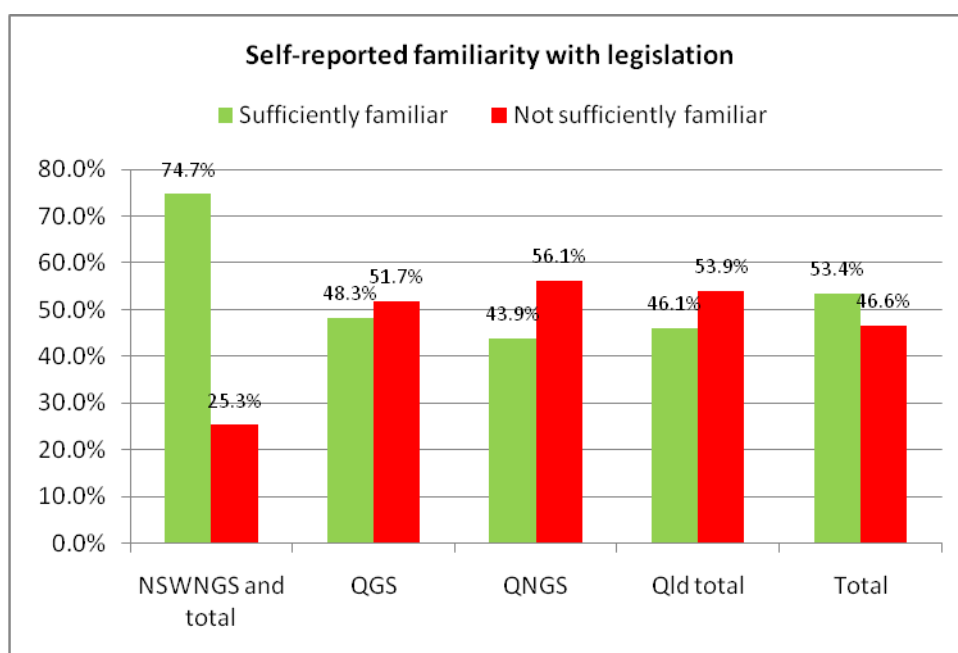


Figure I 7: Teachers' familiarity with legislation

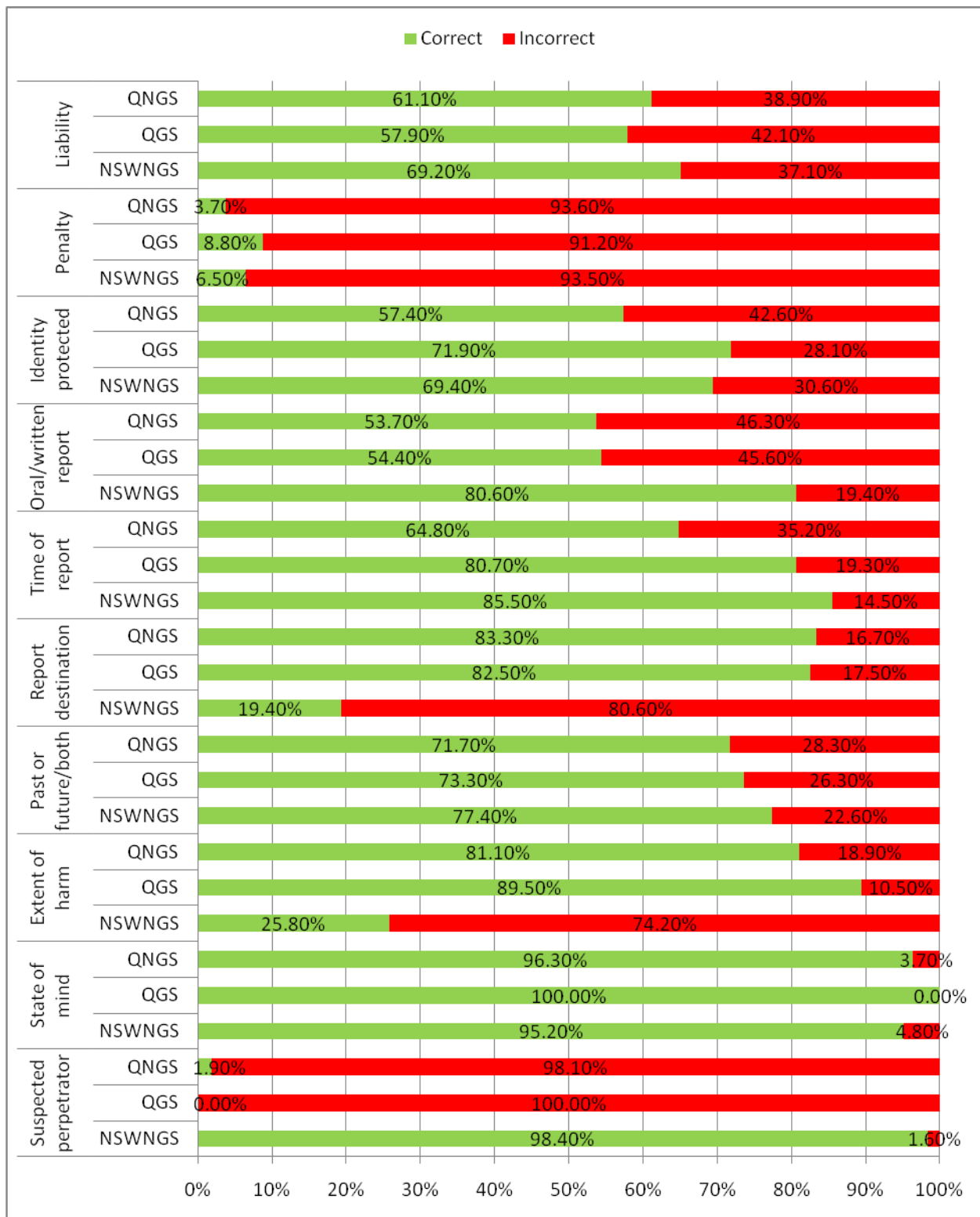
#### (b) Knowledge of content of the legislative reporting duty

TRQ questions about legislation focused on key features of the reporting duty. The questions concerned whether the reporting duty applied only to cases of sexual abuse suspected to have been inflicted by a confined class of perpetrator or to any perpetrator (Suspected perpetrator); whether the teacher had to report when having certainty or only reasonable suspicion (State of mind); whether the duty to report only applied if the harm thought to have been caused was significant (Extent of harm); whether the duty applied only to past sexual abuse or also to risk of future abuse (Past/future); to whom the teacher should make the report (Report destination); when the report must be made (Time of report); how the report must be made (Oral/written report); whether the reporter's identity is protected by the legislation from

<sup>113</sup> The TRQ instruments for Western Australia did not include this section as no legislation existed at the time of the study.

disclosure (Identity protected); the penalty for failing to report (Penalty); and whether the teacher could be held liable for a report made in good faith that turned out to be unsubstantiated (Liability).

Figure I 8 details the number and percentage of correct and incorrect answers to each question, by sector.



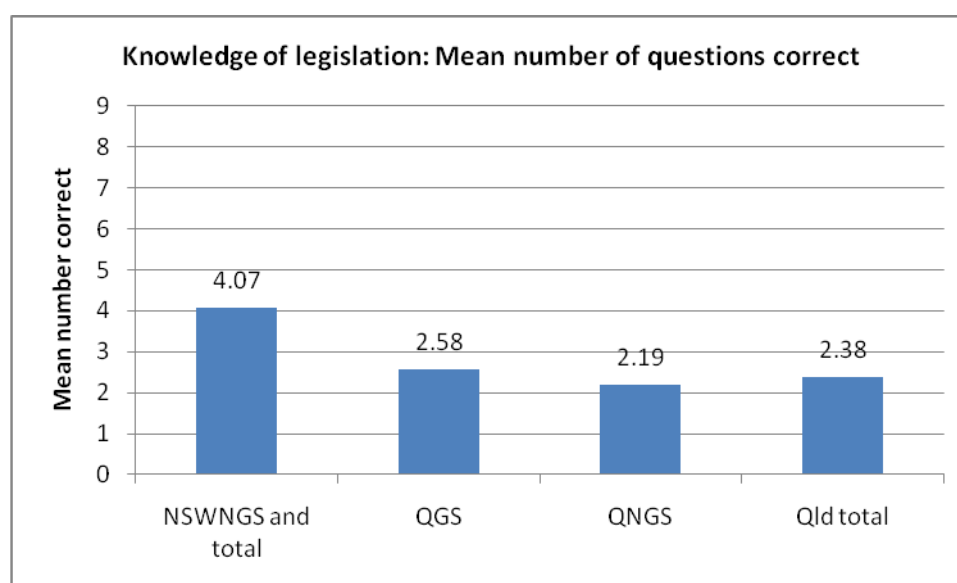
**Figure I 8: Number and percentage of correct and incorrect responses to each question regarding the knowledge of legislation**

**(c) Total knowledge of legislation across entire sample**

Table I 3 details the means and standard deviations for the total knowledge of legislation scores, for each State and sector, for all teachers in these three sectors. Mean knowledge scores for each sector were calculated from the number correct responses (0-9) for each individual. Those who indicated they did not have sufficient familiarity with the legislation to answer questions about it were allocated a score of 0.

**Table I 3: Knowledge of legislation score: Number, minimum, maximum, mean and standard deviation<sup>114</sup>**

State/sector	Total legislation knowledge				
	Number	Minimum	Maximum	Mean	Standard deviation
NSWNGS (and NSW total)	84	0/9	9/9	4.07	2.64
QGS	121	0/9	9/9	2.58	2.86
QNGS	123	0/9	9/9	2.19	2.69
Qld total	244	0/9	9/9	2.38	2.78



**Figure I 9: Knowledge of legislation score<sup>115</sup>**

Recalling that significant numbers of respondents did not know enough about the legislation to answer questions about it, overall, total knowledge scores were relatively low. NSWNGS teachers had higher knowledge than all Queensland teachers. QGS teachers had slightly higher knowledge than their QNGS counterparts. For Queensland teachers, almost universal lack of knowledge about the provisions regarding suspected perpetrators drove the Queensland data downwards by a factor of one point. Among those who did answer questions about the content of the legislative duty, the very low proportion of correct answers regarding the penalty compounded this effect.

For NSWNGS teachers, almost universal lack of knowledge about the penalty drove the data downwards by a factor of one point. Among those answering further questions, two questions were almost always answered correctly (suspected perpetrator and state of mind). As well, two other questions were answered correctly by over 80% of these respondents (when to report and written report). Two further

<sup>114</sup> This scale reports results for nine out of ten questions that were included in the Queensland and New South Wales versions of the TRQ. One question was excluded from the analysis because the legislative provision in Queensland was not as clear as that in NSW, making it unreasonable to compare teacher knowledge about that item.

<sup>115</sup> This scale reports results for nine out of ten questions that were included in the Queensland and New South Wales versions of the TRQ. One question was excluded from the analysis because the legislative provision in Queensland was not as clear as that in NSW, making it unreasonable to compare teacher knowledge about that item.

questions attracted very low correct response rates of about one fifth and one quarter (report destination and extent of harm respectively).

#### 1.4 Teachers' knowledge of the policy-based reporting duty

Teachers were asked a series of questions about their policy-based reporting duty. This series of questions involved respondents from all five sectors.

##### (a) Awareness of existence of a policy-based reporting duty and sufficient familiarity with the policy to answer questions about it

To prevent distortion of the data, teachers were first asked if they were aware of the existence of a formal school policy about reporting child sexual abuse, and if so, whether they were familiar enough with this policy to answer questions about it. Figure I 10 shows the number and percentage of teachers in New South Wales, Queensland and Western Australia, who possessed sufficient familiarity.

Results showed that across the entire sample 71.7% of respondents were aware of the existence of a formal school policy about reporting child sexual abuse and 28.3% were unaware or unsure of the existence of the policy.

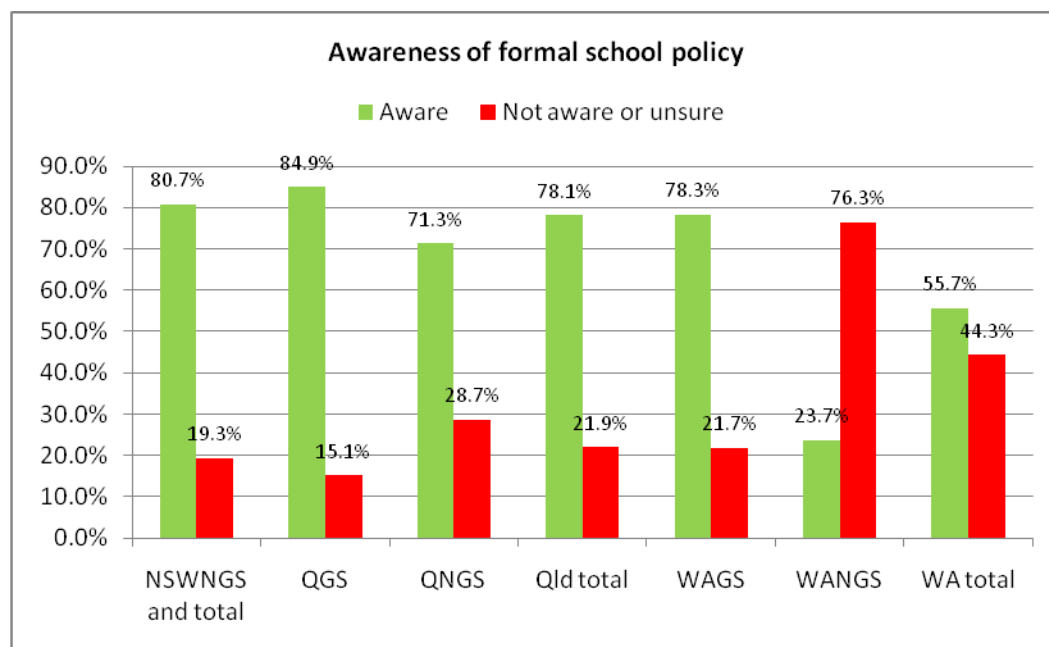


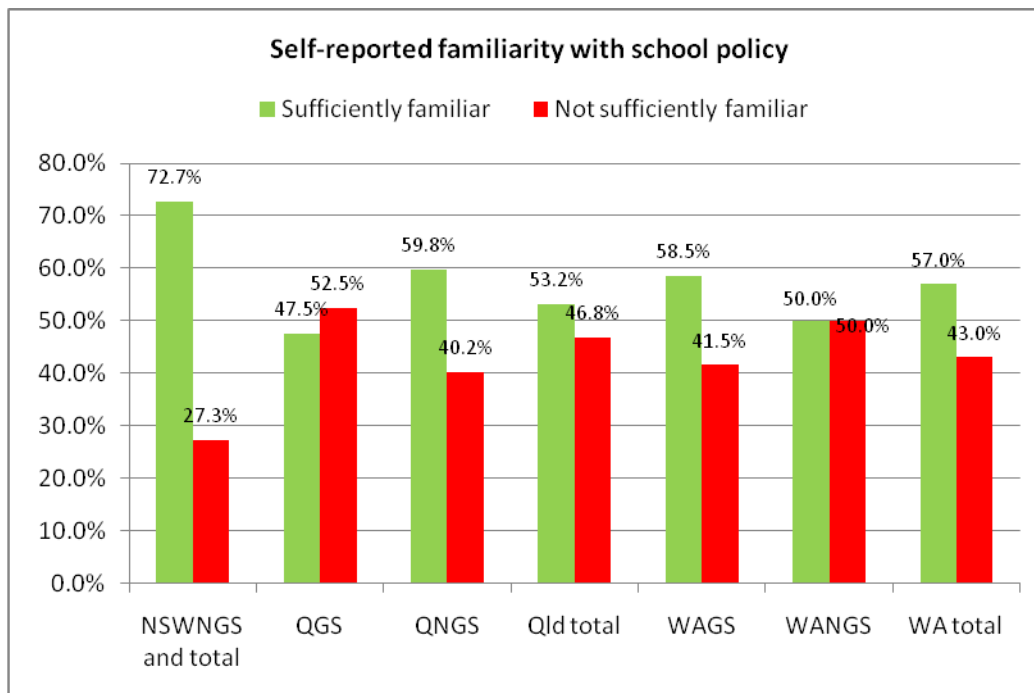
Figure I 10: Teachers' awareness of the existence of a formal school policy<sup>116</sup>

There were variations by State. New South Wales and Queensland teachers had similar levels of awareness with 80.7% and 78.1% of respondents respectively indicating awareness. Far fewer WA teachers (55.7%) possessed this awareness. There were also sector variations, with generally higher rates of awareness in government school sectors. Teachers from QGS had the highest awareness of the existence of school policy (84%), higher than their nongovernment counterparts in NSW (80.7%) and Queensland (71%). Teachers from WAGS also showed high levels of awareness of the existence of policy (78%). In WANGS, only 23% of teachers knew of the existence of the policy. This data is displayed in Figure I 10.

Of the teachers who knew of the existence of a school policy, 58% were sufficiently familiar with the policy to answer questions about it. There were variations by State, with New South Wales teachers reporting

<sup>116</sup> Four teachers did not respond.

more familiarity (72.7%) than their Western Australian (57%) and Queensland (53.2%) counterparts. By sector, NSWNGS teachers had the highest level of familiarity with the policy (48/66) followed by QNGS (52/87), WAGS (38/65), QGS (48/101) and WANGS (7/14). This data is displayed in Figure I 11.



**Figure I 11: Teachers who were sufficiently familiar with the policy to answer questions about it<sup>117</sup>**

Of all participants, considering both awareness of the existence of policy and sufficient familiarity to answer questions about it, 48 out of 83 (58%) NSWNGS participants had both awareness and familiarity. This compared with 38 out of 83 (45%) from WAGS, 52 out of 122 (42%) from QNGS, 48 out of 119 (40%) from QGS, and 7 out of 59 (11%) from WANGS.

Teachers who responded that they either did not know their school had a policy, or that they knew of such a policy but were not sufficiently familiar with the policy to answer further questions about it, were directed to proceed to the next section of the questionnaire without answering the questions about policy.

#### **(b) Knowledge of content of the policy-based reporting duty**

Teachers who indicated both policy awareness and sufficient familiarity to answer questions were asked a series of questions about the content of the reporting duty in the policy. These questions were similar in nature to those about the legislative reporting duty, concerning whether the policy-based duty applied to all or only limited suspected perpetrators (Suspected perpetrator); what state of mind is needed to enliven the duty (State of mind); if a certain extent of harm was required to activate the duty (Extent of harm); whether the duty applied only to past sexual abuse or also to risk of future abuse (Past/future); and to whom the teacher should report (Report destination).<sup>118</sup>

Figure I 12 details the number and percentage of correct and incorrect answers to each question, by State and Figure I 13 shows results by sector.

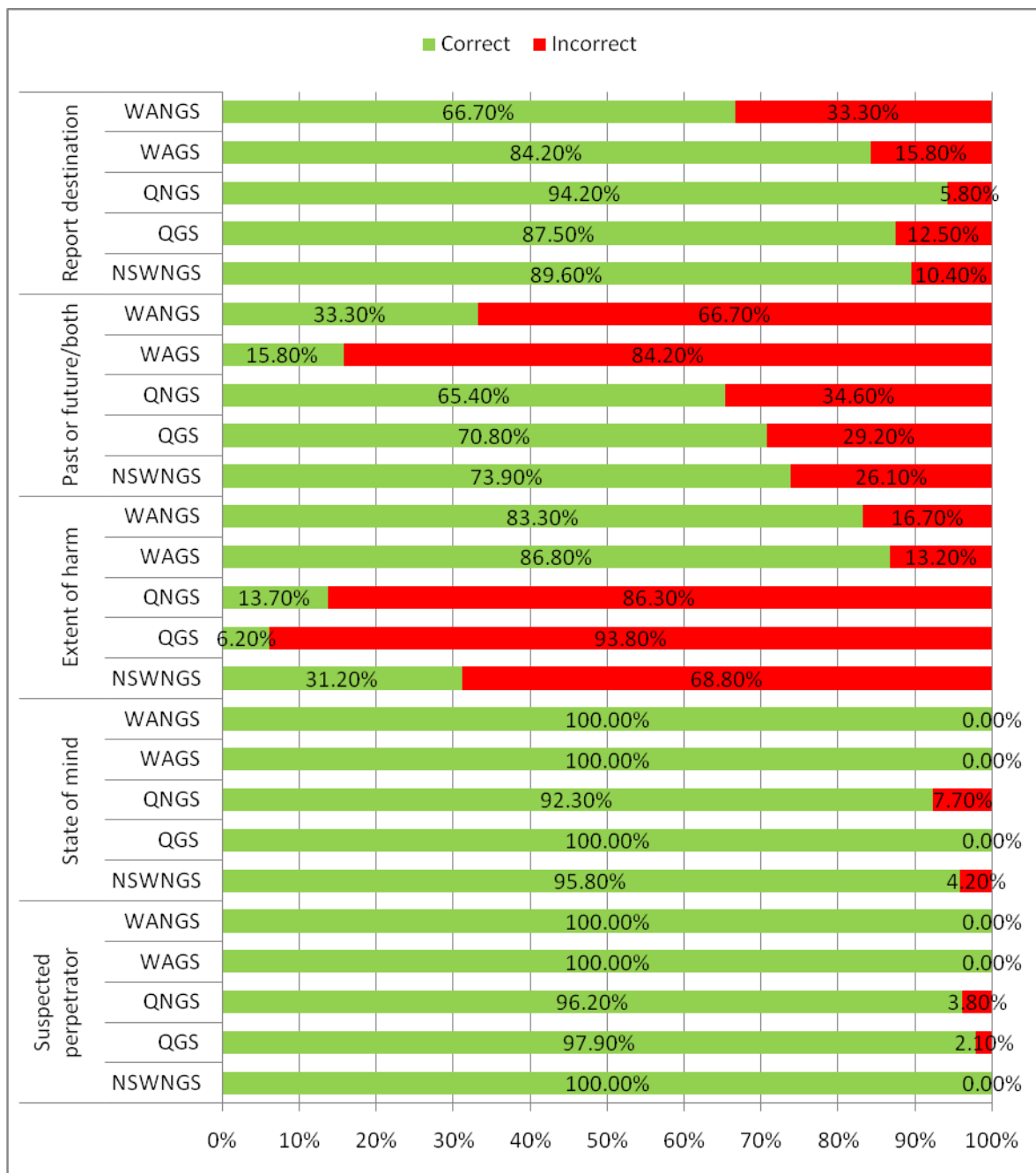
<sup>117</sup> One teacher did not respond.

<sup>118</sup> Teachers were also asked if the reporter's identity is protected from disclosure but results for this question were excluded from analysis due to ambiguities in policy documents about whether identity was, or was not, so protected.



**Figure I 12: Number and percentage of the correct and incorrect responses to each question regarding the knowledge of policy, by State**





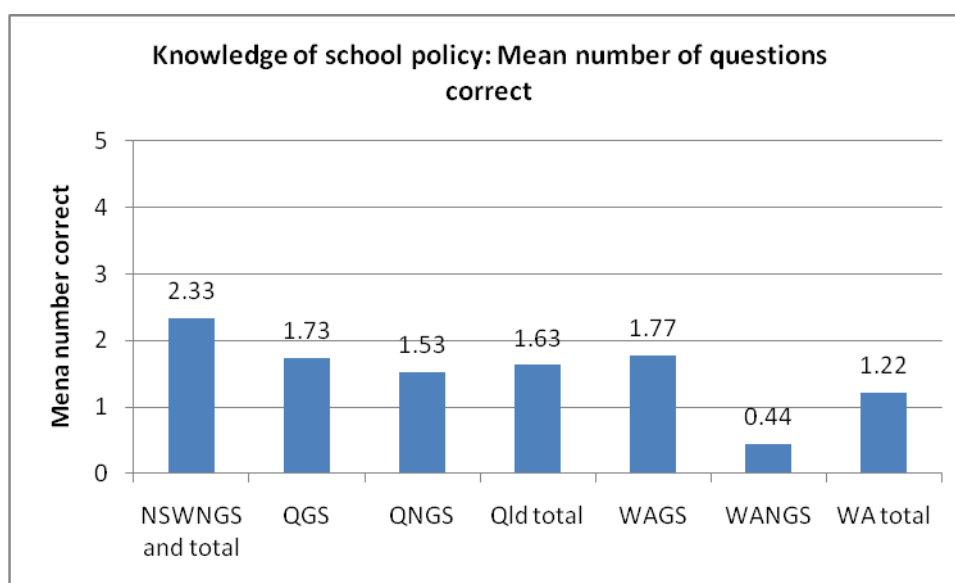
**Figure I 13: Number and percentage of correct and incorrect responses to each question regarding the knowledge of policy, by sector**

**(c) Total knowledge of policy across entire sample**

Table 9 details the means and standard deviations for the total knowledge of policy scores, for each State and sector. Mean knowledge scores for each sector were calculated from the number correct responses (0-5) for each individual. Those who indicated they did not have sufficient familiarity with the policy to answer questions about it were allocated a score of 0.

**Table I 4: Knowledge of policy score: Number, minimum, maximum, mean and standard deviation**<sup>119</sup>

State/Sector	Total policy knowledge				
	Number	Minimum	Maximum	Mean	Standard deviation
NSWNGS (and NSW total)	84	0/5	5/5	2.33	1.95
QGS	121	0/5	5/5	1.73	1.85
QNGS	123	0/5	5/5	1.53	1.86
Qld total	244	0/5	5/5	1.63	1.85
WAGS	83	0/5	5/5	1.77	1.98
WANGS	59	0/5	5/5	0.44	1.24
WA total	142	0/5	5/5	1.22	1.83



**Figure I 14: Knowledge of policy score**<sup>120</sup>

Recalling that significant numbers of respondents did not know enough about the policy to answer questions about it, mean policy knowledge scores were relatively low. Teachers from the NSW nongovernment sector held the highest levels of policy knowledge overall. There were generally higher mean knowledge scores for government school sectors. Overall, however, NSWNGS displayed higher knowledge, and WANGS displayed lower knowledge (although it should be noted that this sector had very few respondents). Almost universal lack of knowledge about some items drove the results down by almost an entire point: for both QGS and QNGS, and NSWNGS, concerning the extent of harm, and for both WAGS and WANGS concerning the requirement to only report suspected past or presently-occurring cases. Among those who answered further questions about the duty, there were generally high levels of knowledge.

<sup>119</sup> Here, results out of five questions are reported. There was one more question in the TRQ, but this was excluded from analysis because of the possibility of more than one correct answer, due to ambiguous terms in policy documents.

<sup>120</sup> Here, results out of five questions are reported. There was one more question in the TRQ, but this was excluded from analysis because of the possibility of more than one correct answer, due to ambiguous terms in policy documents.

## I 5 Attitudes towards reporting child sexual abuse

Teachers' attitudes towards reporting child sexual abuse were measured using a 21-item scale using a five-point Likert-type scale with 1 representing strongly agree and 5 representing strongly disagree. Items were expressed both positively and negatively (eg child sexual abuse reporting guidelines are necessary for teachers; It is a waste of time to report child sexual abuse because no one will follow up on the report). Negative items were reverse coded for scoring. Items were summed to generate a total possible attitude score of 105. Table I 5 displays results for the 21 items along with total scores for each sector.

**Table I 5: Attitude item means and total scores, all sectors**

Attitude Item	Attitude Mean				
	NSWNGS	QGS	QNGS	WAGS	WANGS
I plan to report child sexual abuse when I suspect it.*					
I would be apprehensive to report child sexual abuse for fear of family/community retaliation. #	4.46	4.43	4.49	4.39	4.41
I would be reluctant to report a case of child sexual abuse because of what parents will do to the child if he/she is reported. #	3.64	3.86	3.72	3.33	3.51
The procedures for reporting child sexual abuse are familiar to me.* #	3.66	3.69	3.60	3.31	3.15
I would like to fulfil my professional responsibility by reporting suspected cases of child sexual abuse.*	3.36	3.30	3.33	3.36	2.78
Reporting child sexual abuse is necessary for the safety of children.*	4.52	4.45	4.44	4.40	4.51
I feel emotionally overwhelmed by the thought of reporting child sexual abuse.	4.67	4.72	4.75	4.71	4.80
I would not report child sexual abuse if I knew the child would be removed from their home/family.	3.16	3.28	3.17	2.95	2.93
Reporting child sexual abuse can enable services to be made available to children and families.*	4.23	4.30	4.08	4.25	4.07
I would consider not reporting child sexual abuse because of the possibility of being sued.	4.08	4.04	4.11	3.99	4.22
There is a lot of sensitivity associated with reporting child sexual abuse.	3.89	3.98	3.76	3.99	3.81
Child sexual abuse reporting guidelines are necessary for teachers.*	1.58	1.59	1.55	1.40	1.47
It is important for teachers to be involved in reporting child sexual abuse to prevent long-term consequences for children.*	4.67	4.68	4.60	4.75	4.66
I believe that the current system for reporting child sexual abuse is effective in addressing the problem.* #	4.58	4.54	4.49	4.52	4.51
Teachers who report child sexual abuse that is unsubstantiated can get into trouble. #	3.19	3.03	3.19	2.89	2.90
It is a waste of time to report child sexual abuse because no one will follow up on the report.	3.40	3.34	3.06	3.07	2.76
I would still report child sexual abuse even if my school administration disagreed with me.*	3.81	3.72	3.92	3.58	3.67
I lack confidence in the authorities to respond effectively to reports of child sexual abuse. #	3.42	3.28	3.18	3.11	3.19
I will consult with an administrator before I report child sexual abuse.* #	3.30	3.20	3.33	2.83	3.15
I would find it difficult to report child sexual abuse because it is hard to gather enough evidence. #	4.12	4.34	4.48	4.57	4.46
A child sexual abuse report can cause a parent to become more abusive toward the child.	3.31	3.00	3.08	2.86	2.78
<b>Total score</b>	2.80	2.71	2.62	2.52	2.60
	<b>77.86</b>	<b>77.48</b>	<b>76.79</b>	<b>74.76</b>	<b>74.33</b>

\* indicates items that were reverse coded during analysis.

Overall, NSWNGS teachers have more positive attitudes towards reporting child sexual abuse than teachers in all other sectors. WANGS teachers have the poorest attitudes. Using post hoc statistical tests, however, only the upper (NSWNGS) and lower (WANGS) scores were significantly different from each other. Within the scale, eight of the 21 attitude items appeared to be differently scored across sectors (marked with a # in the table above). These items were:

- I would be apprehensive to report child sexual abuse for fear of family/community retaliation;
- I would be reluctant to report a case of child sexual abuse because of what parents will do to the child if he/she is reported;
- The procedures for reporting child sexual abuse are familiar to me;
- I believe that the current system for reporting child sexual abuse is effective in addressing the problem;
- Teachers who report child sexual abuse that is unsubstantiated can get into trouble;
- I lack confidence in the authorities to respond effectively to reports of child sexual abuse;
- I will consult with an administrator before I report child sexual abuse; and
- I would find it difficult to report child sexual abuse because it is hard to gather enough evidence.

# APPENDICES

## Appendix A Legislative provisions

### NEW SOUTH WALES

**Children and Young Persons (Care and Protection) Act 1998** (at the time of the study)

#### **23 Child or young person at risk of harm**

For the purposes of this Part and Part 3, a child or young person is *at risk of harm* if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence of any one or more of the following circumstances:

- (a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- (b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
- (c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- (d) the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,
- (e) a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,
- (f) the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

#### **27 Mandatory reporting**

(1) This section applies to:

- (a) a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children, and
- (b) a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children.

(2) If:

- (a) a person to whom this section applies has reasonable grounds to suspect that a child is at risk of harm, and
  - (b) those grounds arise during the course of or from the person's work,
- the person must, as soon as practicable, report to the Director-General the name, or a description, of the child and the grounds for suspecting that the child is at risk of harm.

Maximum penalty: 200 penalty units.

(3) A person to whom this section applies satisfies his or her obligations under subsection (2) in relation to two or more children that constitute a particular class of children if the person reports that class of children to the Director-General together with:

- (a) a description that is sufficient to identify all the children who constitute the class, and
- (b) the grounds for suspecting that the children of that class are at risk of harm.

### QUEENSLAND

*Education (General Provisions) Act 2006*

#### **364 Definition for pt 11**

In this part—**employee**, of a non-State school or State school, means a person engaged to carry out work at the school for financial reward.

### **365 Obligation to report sexual abuse of student under 18 years attending State school**

(1) Subsection (2) applies if a staff member of a State school (the **first person**) becomes aware, or reasonably suspects, that a student under 18 years attending the school has been sexually abused by someone else who is an employee of the school.

(2) The first person must give a written report about the abuse, or suspected abuse, to the school's principal or the principal's supervisor—

(a) immediately; and

(b) if a regulation is in force under subsection (3), as provided under the regulation.

Maximum penalty—20 penalty units.

(3) A regulation may prescribe the particulars the report must include.

(4) A State school's principal or a principal's supervisor must immediately give a copy of a report given to the principal or supervisor under subsection (2) to a person nominated by the chief executive for the purpose (the **chief executive's nominee**).

Maximum penalty—20 penalty units.

(5) The chief executive's nominee must immediately give a copy of a report given to the nominee under subsection (4) to a police officer.

Maximum penalty—20 penalty units.

(6) A person who makes a report under subsection (2), or gives a copy of a report under subsection (4) or (5), is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else.

(7) Without limiting subsection (6)—

(a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and

(b) if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice—the person does not contravene the requirement by giving the information.

### **366 Obligation to report sexual abuse of student under 18 years attending non-State school**

(1) Subsection (2) applies if a staff member of a non-State school (the **first person**) becomes aware, or reasonably suspects, that a student under 18 years attending the school has been sexually abused by someone else who is an employee of the school.

(2) The first person must give a written report about the abuse, or suspected abuse, to the school's principal or a director of the school's governing body—

(a) immediately; and

(b) if a regulation is in force under subsection (3), as provided under the regulation.

Maximum penalty—20 penalty units.

(3) A regulation may prescribe the particulars the report must include.

(4) A non-State school's principal or a director of a non-State school's governing body must immediately give a copy of a report given to the principal or director under subsection (2) to a police officer.

Maximum penalty—20 penalty units.

(5) A person who makes a report under subsection (2), or gives a copy of a report under subsection (4), is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else.

(6) Without limiting subsection (5)—

(a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and

(b) if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice—the person does not contravene the requirement by giving the information.

(7) In this section—

**director**, of a non-State school's governing body, means—

- (a) if the governing body is a company under the Corporations Act—a person appointed as a director of the governing body; or
- (b) otherwise—a person who is, or is a member of, the executive or management entity, by whatever name called, of the governing body.

The following regulation requires Queensland non-government schools to have processes for reporting of child sexual abuse:

***Education (Accreditation of Non-State Schools) Regulation 2001***

**10 Health, safety and conduct of staff and students**

(1) A school must have written processes about the health and safety of its staff and students, that accord with relevant workplace health and safety legislation.

(2) Also, the school must have written processes about the appropriate conduct of its staff and students, that accord with legislation applying in the State about the care or protection of children.

(3) Without limiting subsection (2), the processes must include—

- (a) a process for the reporting by a student to a stated staff member of behaviour of another staff member that the student considers is inappropriate; and
- (b) a process for how the information reported to the stated staff member must be dealt with by the stated staff member.

(4) For the process mentioned in subsection (3)(a), there must be stated at least 2 staff members to whom a student may report the behaviour.

(5) Also, without limiting subsection (2), the processes must include the following—

(a) a process for reporting sexual abuse or suspected sexual abuse in compliance with the *Education (General Provisions) Act 2006*, section 366;

(b) a process for—

(i) the reporting by a staff member, to the school's principal or another person nominated in the process, of harm that—

(A) the staff member is aware or reasonably suspects has been caused to a student who, when the harm was caused or is suspected to have been caused, was under 18 years; and

(B) is not harm to which the process mentioned in paragraph (a) applies; and

(ii) the reporting by the principal or other person, to a relevant State authority, of the harm or suspected harm if the principal or other person also is aware or reasonably suspects the harm has been caused.

(6) The processes must—

- (a) be readily accessible by the staff and students; and
- (b) provide for how the staff and students are to be made aware of the processes.

(7) The school's governing body must be able to demonstrate how the school is implementing the processes.

(8) In this section—

**relevant State authority** means—

- (a) the chief executive, or another officer, of the department in which the *Child Protection Act 1999* is administered; or
- (b) an authorised officer under the *Child Protection Act 1999*; or
- (c) a police officer.

## **WESTERN AUSTRALIA**

### ***At the time of the study***

At the time of the study, no legislation existed requiring teachers to report suspected child sexual abuse.

### ***From 1 January 2009***

However, legislation commenced on 1 January 2009, requiring teachers to reports suspected child sexual abuse, as follows:

### ***Children and Community Services Act 2004***

#### **124A. Terms used in this Division**

**sexual abuse**, in relation to a child, includes sexual behaviour in circumstances where —

- (a) the child is the subject of bribery, coercion, a threat, exploitation or violence; or
- (b) the child has less power than another person involved in the behaviour; or
- (c) there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour;

#### **124B. Matters concerning sexual abuse of children to be reported by certain persons**

(1) A person who —

(a) is a doctor, nurse, midwife, police officer or teacher; and

(b) believes on reasonable grounds that a child —

(i) has been the subject of sexual abuse that occurred on or after commencement day; or

(ii) is the subject of ongoing sexual abuse;

and

(c) forms the belief —

(i) in the course of the person's work (whether paid or unpaid) as a doctor, nurse, midwife, police officer or teacher; and

(ii) on or after commencement day,

must report the belief as soon as practicable after forming the belief.

Penalty: \$6 000.

(2) For the purposes of subsection (1) the report must be made to —

(a) the CEO; or

(b) a person approved by the CEO; or

(c) a person who is a member of a class of persons approved by the CEO.

(3) In a prosecution for an offence under subsection (1) it is a defence for the person charged to prove that he or she honestly and reasonably believed that —

(a) all of the reasonable grounds for his or her belief were the subject of a report made by another person; or

(b) the CEO had caused, or was causing, inquiries to be made under section 31 about the child's wellbeing; or

(c) the CEO had taken, or was taking, action under section 32 in respect of the child's wellbeing.

(4) A requirement that a person has under subsection (1) is in addition to, and does not affect, any other function that the person has in respect of the child in the course of the person's work as a doctor, nurse, midwife, police officer or teacher.

#### **124C. Reports: form and content**

(1) A report may be written or oral but if oral the reporter must make a written report as soon as practicable after the oral report is made.

Penalty: \$3 000.

(2) A written report may, but does not need to be, in a form approved by the CEO.

(3) A report is to contain —

(a) the name and contact details of the reporter; and



- (b) the name of the child or, if the child's name cannot be obtained after reasonable inquiries, a description of the child; and
- (c) if known to the reporter —
  - (i) the child's date of birth; and
  - (ii) information about where the child lives; and
  - (iii) the names of the child's parents or other responsible persons as defined in section 41(1);and
- (d) the grounds for the reporter's belief that the child has been the subject of sexual abuse or is the subject of ongoing sexual abuse; and
- (e) any other information that is prescribed.

(4) A person mentioned in section 124B(2)(b) or (c) who receives —

- (a) a written report must give the report to the CEO as soon as practicable after receiving it; or
- (b) an oral report must inform the CEO of the contents of the report as soon as practicable after receiving it.

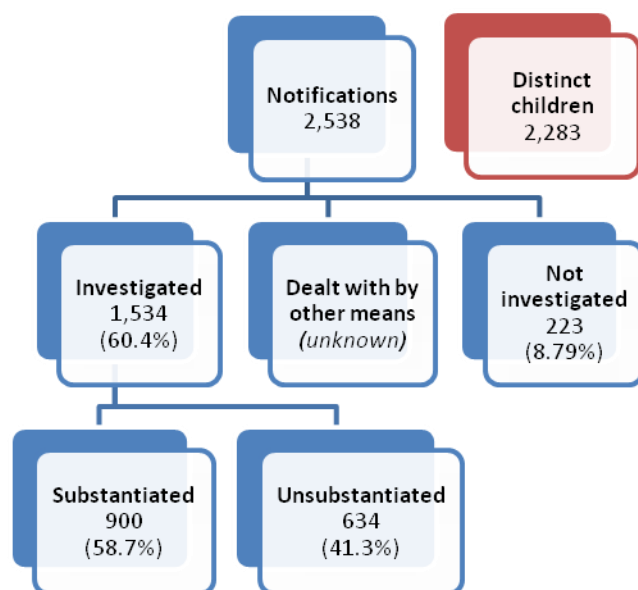
Penalty: \$6 000.

- (5) As soon as practicable after receiving a written report the CEO must advise the reporter of the receipt.

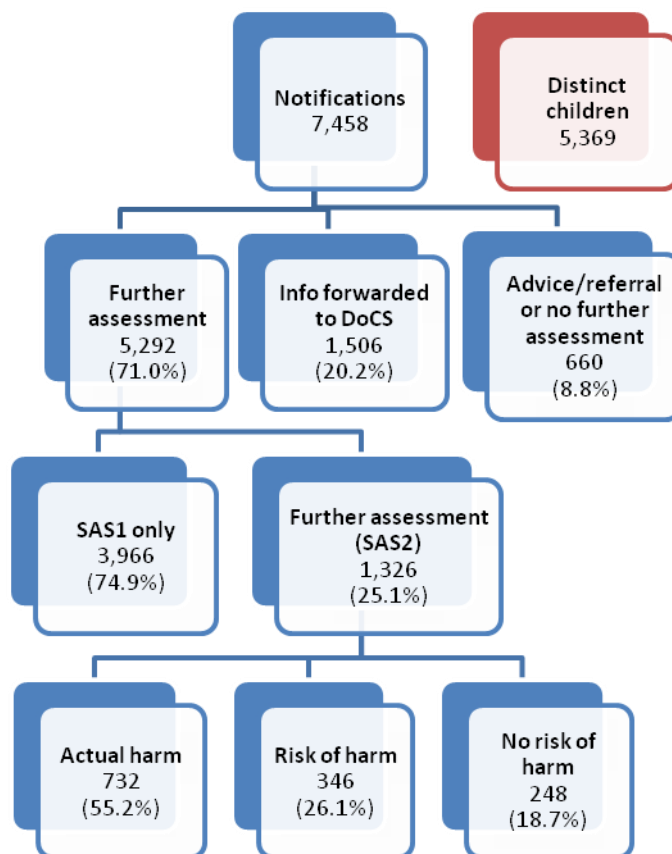
## Appendix B Reporting flowcharts

Flow charts 2004/05: (CSA, ages 5-12, all reporters)

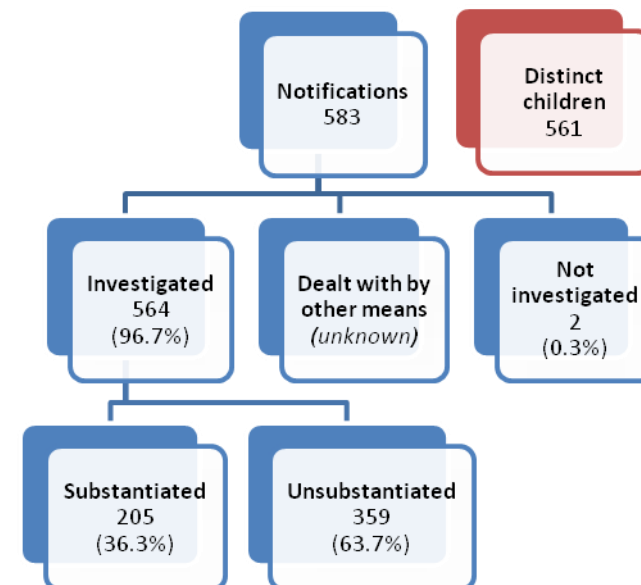
### Queensland



### New South Wales

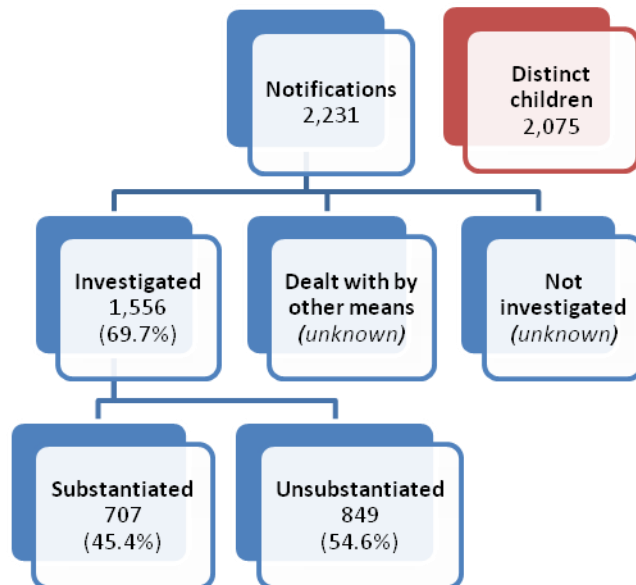


### Western Australia

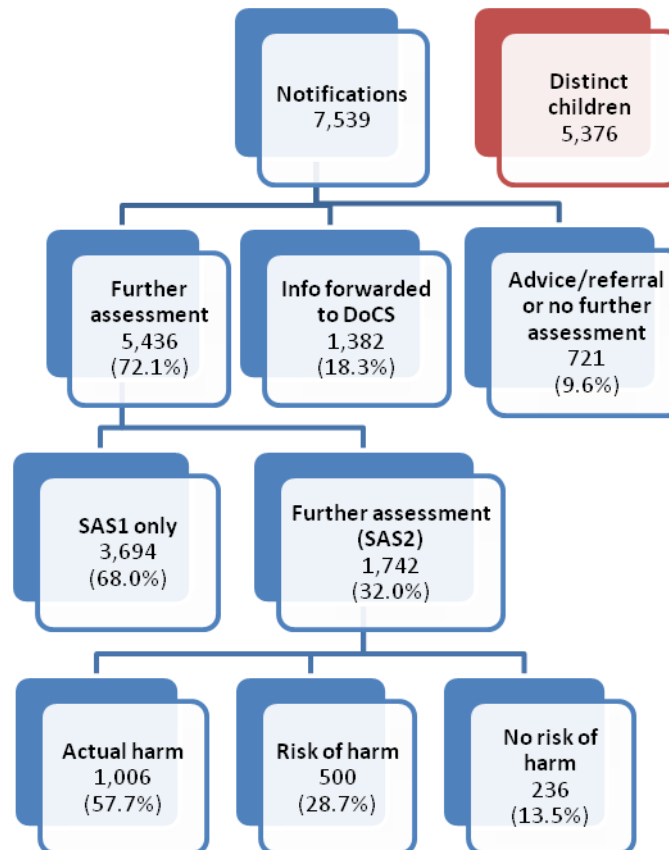


**Flow charts 2005/06:** (CSA, ages 5-12, all reporters)

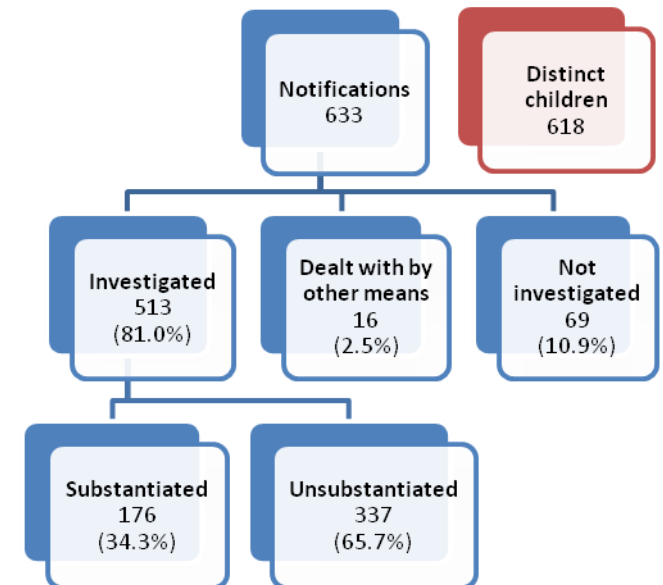
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**New South Wales**

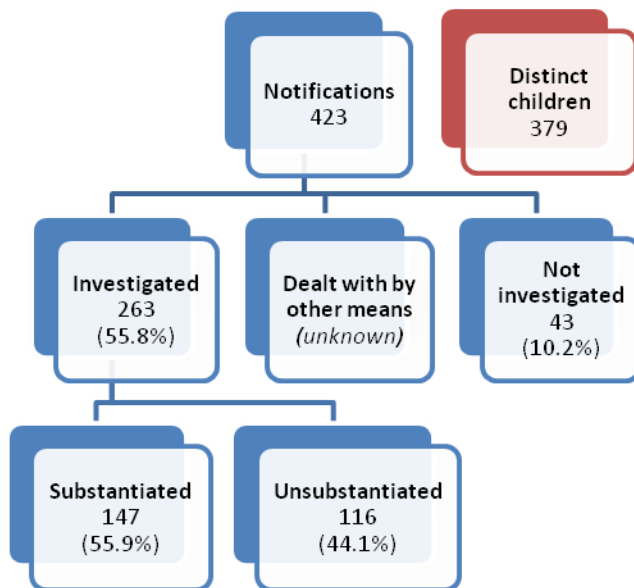


**Western Australia**

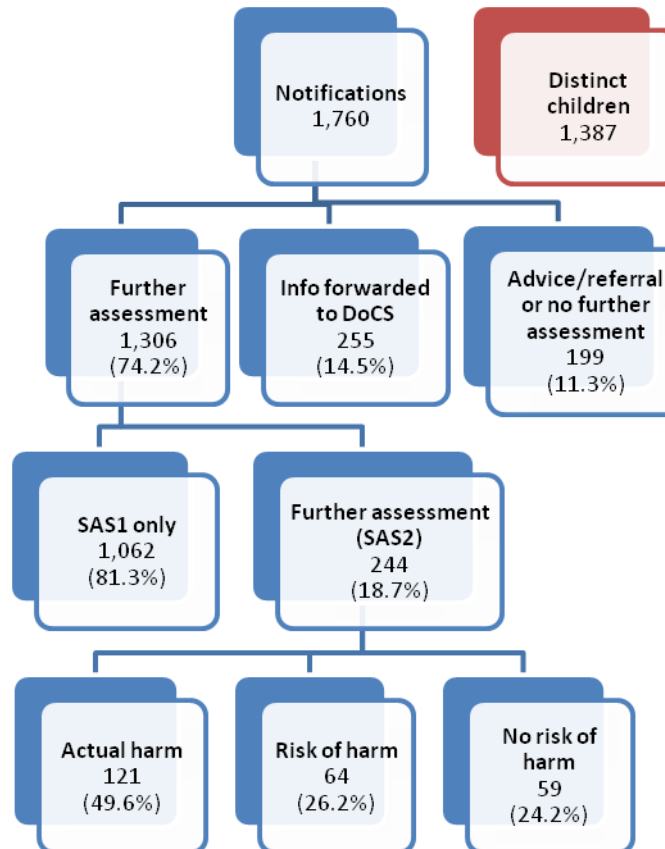


**Flow charts 2004/05:** (CSA, ages 5-12, teachers only)

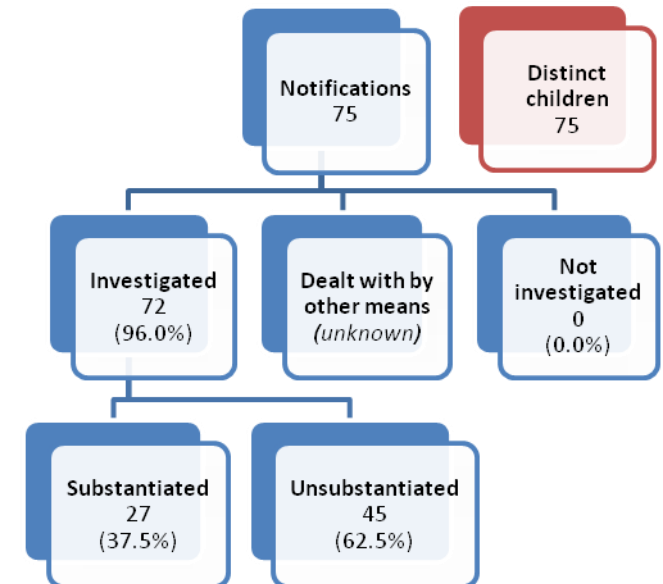
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**New South Wales**

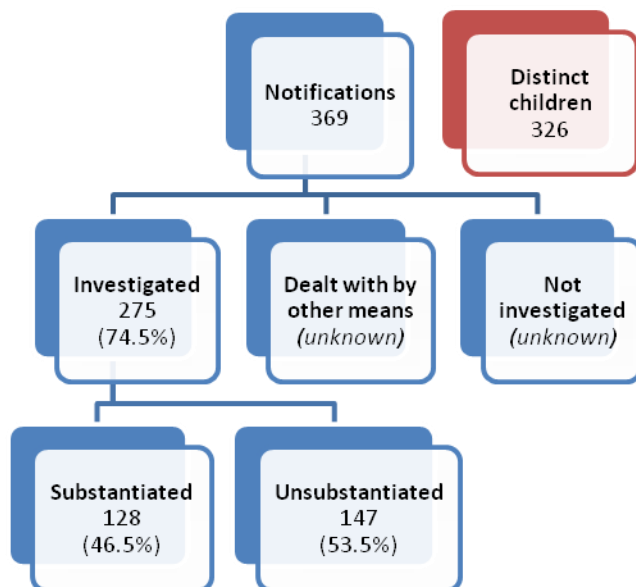


**Western Australia**

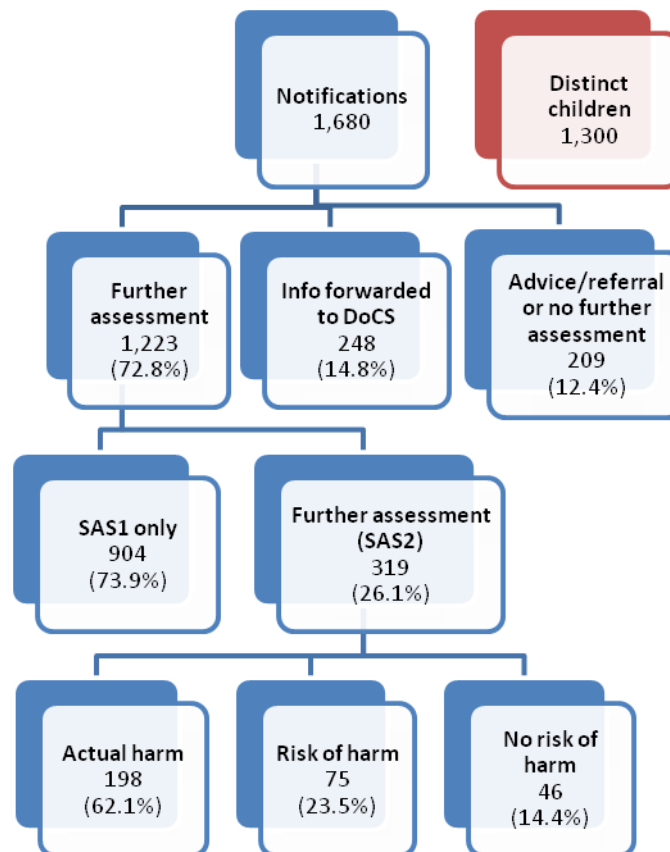


**Flow charts 2005/06:** (CSA, ages 5-12, teachers only)

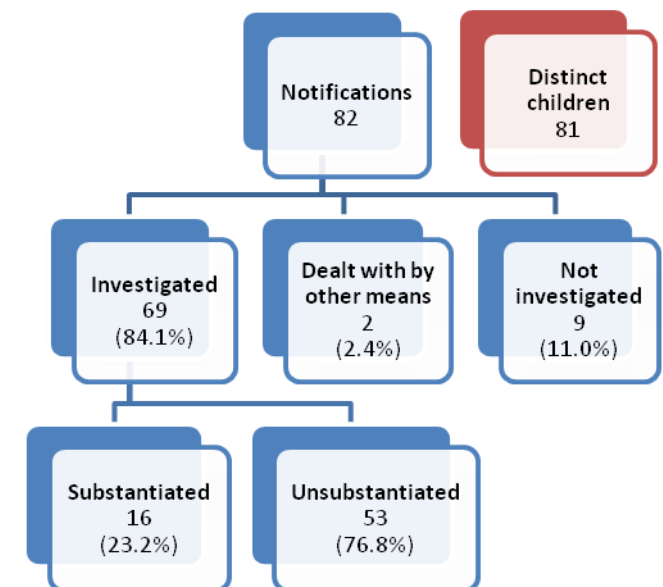
**Queensland**



**New South Wales**



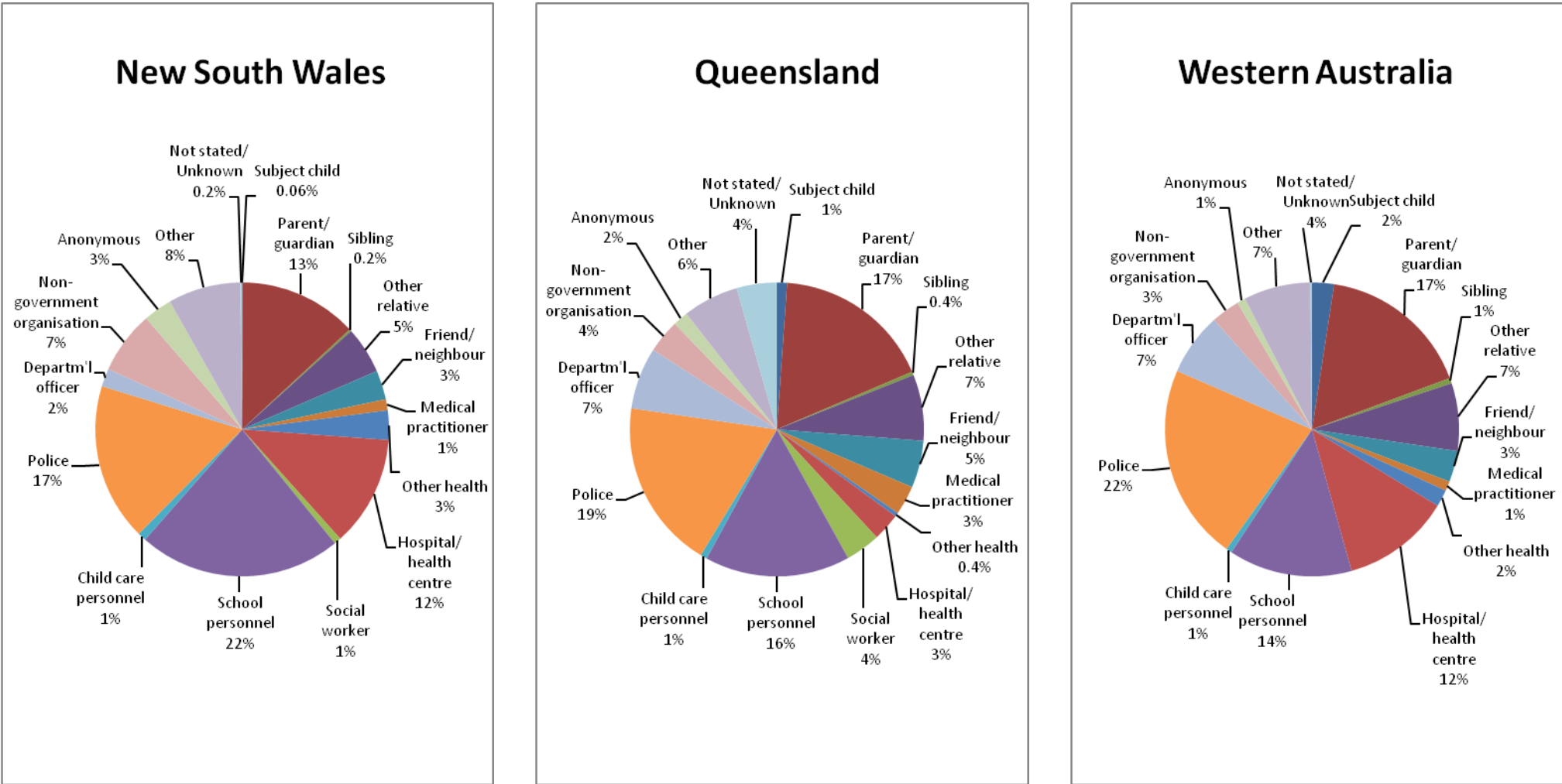
**Western Australia**



Appendix C Comparison of the reporting practice of teachers with the reporting practice of other reporter groups

Notifications

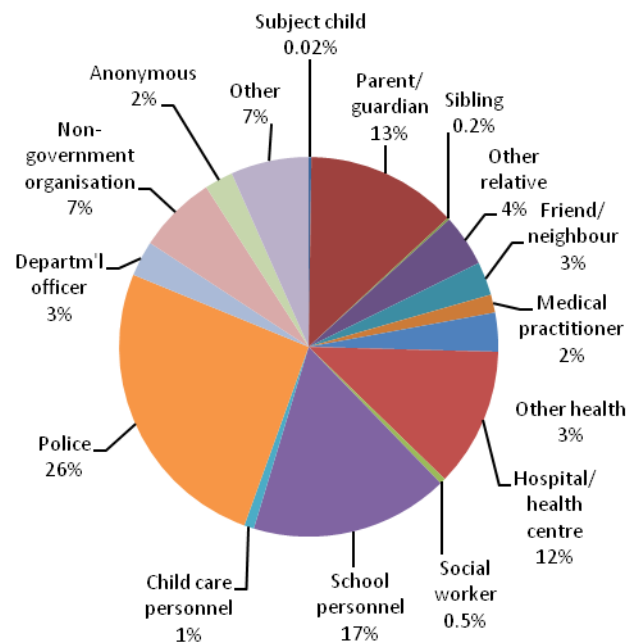
Combined data from 2004/05, 2005/06 & 2006/07 compare proportions of notifications of suspected child sexual abuse of children aged 5-12, by reporter group.



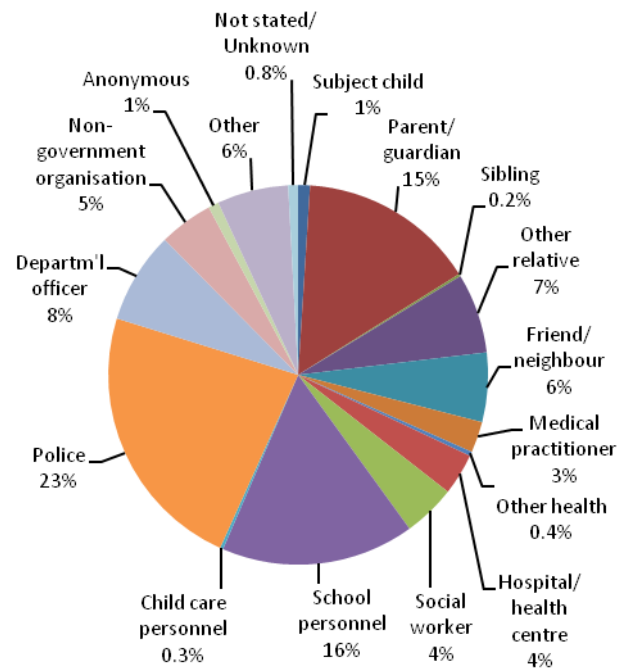
## Substantiations

Combined data from 2004/05, 2005/06 & 2006/07 compare proportions of substantiated reports of child sexual abuse of children aged 5-12, by reporter group.

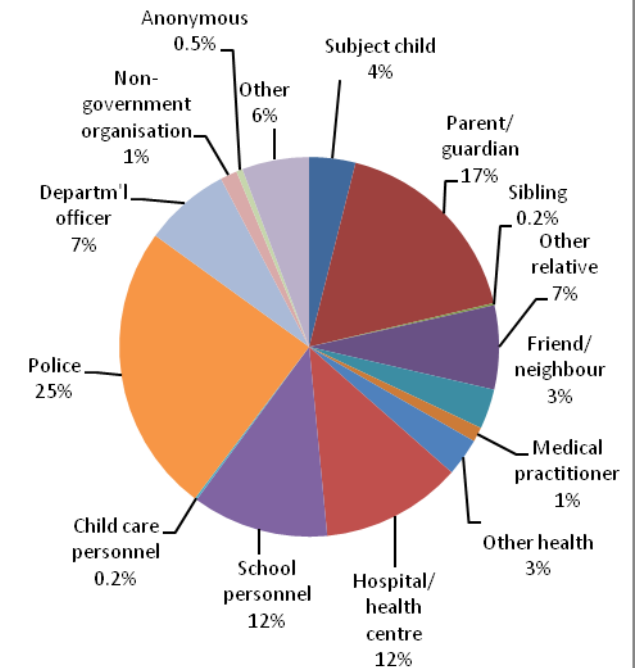
### New South Wales



### Queensland



### Western Australia



## Appendix D Teacher Reporting Questionnaire

Each sector had a customised version of the TRQ instrument. Copies are available at:

[http://eprints.qut.edu.au/view/person/Mathews,\\_Benjamin.html](http://eprints.qut.edu.au/view/person/Mathews,_Benjamin.html)



